

BOOK SECTION

A SOCIAL HISTORY  
OF FARM LABOR  
IN CALIFORNIA

WITH SPECIAL EMPHASIS ON THE UNITED  
FARM WORKERS UNION AND  
CALIFORNIA RURAL LEGAL ASSISTANCE

# A SOCIAL HISTORY OF FARM LABOR IN CALIFORNIA

*With Special Emphasis on the United Farm Workers  
Union and California Rural Legal Assistance*

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## FOREWORD

KEVIN R. JOHNSON\*

“A Social History of Farm Labor in California” recounts the histories of two organizations — the United Farm Workers Union (UFW) and California Rural Legal Assistance (CRLA), both of which made important contributions to modern thinking about social change movements. Proceeding in chronological fashion in nine chapters, the study is chock-full of insights about parallel, but at times conflicting, social movements.

Headed by the iconic leader Cesar Chavez, the UFW drew national attention with its inspired activism seeking to end the shameful working conditions for farm labor. A civil rights leader rivaled in his generation only by Dr. Martin Luther King, Jr., Chavez relied on community organization in seeking to create a mass — not just a labor — movement to secure far-reaching social change.

The study also chronicles the emergence of CRLA, a legal services organization funded by the federal government as part of President Lyndon Johnson’s great “War on Poverty.” Through creative use of the law, CRLA hoped to spark the transformation of the lives of California’s rural poor.

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The UFW and CRLA operated against a very different backdrop than many other reform organizations of the era, which made their efforts to change society all the more challenging: “Unlike the Jeffersonian ideal of the small family farm, . . . California’s agricultural system is based on large tracts of land and an abundant, flexible labor supply to work them. The labor supply established and maintained in the system consisted of persons of color held in a subordinate position within a wage labor hierarchy.” (p. 485)

In providing a comprehensive history of farmworkers in California, “A Social History of Farm Labor in California” chronicles in compelling fashion the emergence of the UFW and CRLA. The study considers the many challenges to the UFW’s efforts to organize farmworkers, which was especially difficult in California with its history of large tract farming. But the real story is that the UFW sought to do much more than simply to organize labor; it hoped to mobilize a social movement and galvanize a generation.

In looking at CRLA, Casper Flood discusses the emergence and limitations in securing enduring social change through an arm of the federal government’s legal services program. Federal legal services funding came with strings attached, limiting the legal activities of organizations funded by the Legal Services Corporation and barring the organizations from involvement in politically sensitive cases.<sup>1</sup> CRLA, for example, could not represent labor unions. (p. 426). That restriction, of course, created a natural divide between CRLA and the UFW, with Cesar Chavez desiring CRLA to, in effect, be the UFW’s lawyer.

“A Social History of Farm Labor in California” offers a blow-by-blow account of the battles between workers, growers, and unions in California agriculture through 1984. It cogently explains the political, social, economic, and legal dynamics leading to the emergence of the UFW and CRLA and the subsequent complex, intersecting trajectories of the two organizations. To summarize:

With the Civil Rights Movement at its peak, . . . the UFW introduced new ethnic and religious elements into the [farmworkers labor movement], and CRLA, with its legal tack, reinterpreted and invigorated basic liberal values. These two groups were successful as no other

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<sup>1</sup> See Legal Services Corporation, LSC Restrictions and Other Funding Sources, <https://www.lsc.gov/lsc-restrictions-and-funding-sources>.

group or combination of groups had been, but their attempted partnership failed. They, too, came into conflict with one another (p. 486).

To fully understand the terrain encountered by the UFW and CRLA, we learn about the history of California's unique agricultural industry, with large farms evolving naturally from the hacienda system historically in place in Mexico. Ensuring the availability of farm labor has been a constant challenge to agricultural production in the fertile fields of the West. Over the years, different groups of exploited laborers — from Native peoples to African Americans to Chinese, Japanese, Filipino, Mexican, and other immigrants, as well as Dust Bowl refugees from Arkansas and Oklahoma — at various times have populated the labor force of the fields in California history.

Casper Flood further documents how growers organized among themselves to protect common economic and political interests. Growers created groups such as the California Farm Bureau, Agricultural Labor Bureau of the San Joaquin Valley, and the Associated Farmers of California (at 319). Some of these groups exist to this day and, among other things, lobby for favorable governmental treatment.

## THE UFW

Many contemporary readers no doubt will be especially interested in the analysis of the rise and fall of Cesar Chavez and the UFW. Casper Flood summarizes the early success:

Chavez, leader of the [UFW], managed to channel the farm workers' discontent and chronic unrest into a sustained social movement that won legal recognition, bargaining rights, contract benefits, and political leverage for farm labor in California. With shifts in national political alliances and the emergence of new political actors in the 1960s, Chavez managed to broaden the issues involved in the farm workers' movement and to put them before a national audience (p. 306).

Chavez famously gained the support of Robert F. Kennedy, later martyred during a run for president in 1968, for the farmworker cause.<sup>2</sup>

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<sup>2</sup> See generally STEVEN W. BENDER, *ONE NIGHT IN AMERICA: ROBERT KENNEDY, CESAR CHAVEZ, AND THE DREAM OF DIGNITY* (2015).

In putting the UFW in the national spotlight, Chavez's organizing strategy undoubtedly will be the subject of study for generations. "The ideology which animated the [UFW] cannot be separated from the person and philosophy of Cesar Chavez, his upbringing, his religious faith, and his experience as a community organizer . . . ." (at 393). Religion, race, and community organization are not the ordinary staples of labor unions. Among the distinguishing features of the UFW's social movement were the appeal to religion, such as Chavez's fasts (at 387) and the union's extensive use of "the Mexican patron saint of the campesinos, *La Virgen de Guadalupe* . . . ." (at 380). Ultimately, "UFW ideology was challenged by claims that Chavez and the UFW were leading a social movement, not a legitimate labor struggle, and were incapable of efficient administration of the contracts they had won . . . ." (at 397).

The law influenced the UFW's organizing efforts. The New Deal's National Labor Relations Act<sup>3</sup> protections did not apply to agriculture and farm workers, which made the organization of labor extremely difficult. Chapter 8 discusses the institutionalization of unions, which has had pros and cons, through the 1975 California Agricultural Labor Relations Act,<sup>4</sup> which dramatically changed labor relations.

The battle between the insurgent UFW and the conservative, pro-Richard Nixon International Brotherhood of Teamsters is a story for the ages. The prolonged fight prominently featured larger-than-life Teamster Presidents Jimmy Hoffa and Frank Fitzsimmons. With a reputation for aggressive — some might say ruthless — tactics, the politically conservative Teamsters long sought to organize farmworkers and were generally preferred by the growers to the more militant UFW.

As was the case with respect to management and labor, race was a dividing line between the warring unions. The UFW and Cesar Chavez expressly and exuberantly appealed to the Mexican-ness of the labor force and its Catholic roots. Forged in a different time and place for workers of a different background, the Teamsters did not. Indeed, one UFW leader bluntly described the racial divide, referring to the Teamsters as a "white man's union," (p. 418), a far cry from the Chavez-led UFW.

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<sup>3</sup> Pub L. No 74-198, 49 Stat, 449 (1935).

<sup>4</sup> Cal. Lab. Code §1140 et. seq.

Immigrant workers were often a central issue in union/management relations. Growers used immigrant workers to break strikes. At the same time, the UFW claimed that workers from Mexico brought to the United States under the Bracero Program<sup>5</sup> drove down wage scales for farm workers. Undocumented immigrants also were accused of undermining union efforts to organize workers. At the same time, although at times seeking to reduce immigration, the UFW aggressively sought to organize immigrant farm workers. The dual roles played by immigrant labor — in undermining the union cause and as potential union members (p. 494) — continues to this day.

To add to the drama, “A Social History of Farm Labor in California” chronicles how the local, state, and federal governments interact and, at times, engage in conflict. Local police at times helped to break strikes, through the enforcement of labor injunctions entered by the courts or brute force. Consider one memorable violent episode in the community of Arvin:

During a fight that pitted growers using gun butts against strikers with grape stakes, a shot was fired and a Mexican worker fell dead. “Growers claimed that a striker perched in a tree nearby had fired the shot that killed the worker. Police arrested several strikers on murder charges and others for rioting. The charges, however, had to be dismissed when an investigation revealed that no striker had a gun in his possession” (at 344) (footnote omitted).

## CRLA

Almost immediately upon its creation, CRLA found itself embroiled in turbulent class struggle. After enjoying initial success in helping the rural poor through the courts, CRLA fought the administration of conservative California Governor Ronald Reagan, who sought to dismantle CRLA as a thorn in the side of growers. The federal government in the end rejected that effort. As legal services champion Sargent Shriver claimed, if Governor Reagan’s effort to dismantle CRLA was not rejected, “we might as well turn the country over to the John Birch Society,” an ultraconservative organization (p. 444).

One surprising omission in Casper Flood’s study of CRLA was any discussion the role of Cruz Reynoso, a historical figure who later served

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<sup>5</sup> See generally KITTY CALAVITA, *INSIDE THE STATE: THE BRACERO PROGRAM, IMMIGRATION, AND THE I.N.S.* (2010).



on the California Supreme Court. Reynoso headed CRLA when Governor Reagan was dead set on eliminating the law reform group; Reynoso vigorously led the fight to save CRLA, which remains an important legal services provider serving (and civil rights advocate for) people in rural California.<sup>6</sup> That fight for survival was an important chapter in the history of federal legal services in the United States.

In looking at both the UFW and CRLA, “A Social History of Farm Labor in California” touches on the ongoing debates about the best way of securing social change. There were internal fights within CRLA about whether the lawyers should consider whether resolution of a particular lawsuit would be better, or worse, for the overall movement for social change. For example, a good legal settlement might not be the best outcome for the overall political movement. This created conflict with the UFW and Cesar Chavez: “Chavez began to realize that the lawyers’ first loyalty was to their ideas of professionalism, not to the work of the UFW” (p. 438).

Along those lines, some CRLA lawyers thought that legal services organizations should focus on doing the best for their clients in individual cases, not larger political movements. Others thought that “impact” cases promoting deeper social change were preferable. This debate about the goals and intent of legal services continue through to this day.

## CONCLUSION

“A Social History of Farm Labor in California” offers valuable insights into the continuing struggle over labor in the fields of California, efforts at social change, and the interrelationship between law and politics in achieving that change. The study will no doubt be an important resource for students of the history of the UFW and CRLA, two extremely important social reform organizations of their era.

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<sup>6</sup> See Michael Bennett & Cruz Reynoso, *California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice*, 1 CHICANO L. REV. 1 (1972); Kevin R. Johnson, *Justice Cruz Reynoso: The People’s Justice*, 10 CAL. LEG. HIST. 238, 239 (2015); Jose R. Padilla, *California Rural Legal Assistance: The Struggles and Continued Survival of a Poverty Law Practice*, 30 CHICANA/O-LATINA/O L. REV. 163 (2011).

## PREFACE

I would like to thank Editor-in-Chief Selma Moidel Smith for the decision to publish my dissertation after all this time — thank you, that is, for an unexpected pleasure. In re-reading the manuscript, I realized how many days, weeks, months of my life I spent reading archived articles in newspaper offices in small towns in rural California, interviewing growers, lawyers, and labor activists, poring over sources in UC Berkeley's rare books collection, and just taking in the view as I drove from place to place in the Central Valley, Imperial Valley, etc., searching for information. And, I recall the kindness and generosity of Administrator Michael Bennett, who gave me access to CRLA's files. The sense of purpose I had then has come back to me as a series of pleasant memories.

ELLEN CASPER FLOOD

New York City

April 2020

*Chapter 1*

## INTRODUCTION

This is a social history of farm labor in California, focusing on the persistent theme of unrest among the state's agricultural workers. For more than a century, California farm workers were outside the institutional framework of the society in which they lived and worked. They were effectively excluded from economic decision-making, political representation, and participation in the social mainstream. Because their wages were among the lowest in the country, they were peripheral to the wage and consumer markets. In the rural communities in which they lived, they were segregated and treated as inferiors. They were excluded from national labor legislation and many social welfare programs, and they were denied basic legal rights and civil liberties. As a consequence, California farm workers were restless and dissatisfied. They were powerless as well.

Indeed, the history of farm labor in California indicates not a pluralistic social and political structure confronting farm workers but the domination of farm workers by farm employers. During periods of labor unrest in particular, California's agricultural elite was backed by local communities and segments of the state and national governments mobilized to support its interests and prerogatives. The narrowly based and largely autonomous elite comprised of California's big commercial farmers did not act

cohesively with other elites on many issues. It was not part of a power elite in the sense of commanding the entire nation. On the contrary, it tended to pursue a policy of noninvolvement in the large issues of statesmanship, except when the issues touched its particular concerns. Its influence with government officials was not part of a conspiracy. Rather, its power over farm workers was based on its social and economic domination of local communities and its ability to define and control issues locally or to influence the exercise of government authority through private channels. Ultimately, however, the power of California's agricultural elite was rooted in the unique structure of California agriculture and its supporting ideology.

In their book, *American Sociology: Worldly Rejections of Religion and Their Directions*, Arthur J. Vidich and Stanford M. Lyman describe the unique character of California agriculture and reveal its ideological underpinnings. They point out differences between California agriculture and agriculture in other parts of the country.

California's farming and agriculture did not develop in the same ways that they had in the South and the Middlewest where, respectively, the plantation and the family farm and the ideals associated with each had become basic norms. California's farm lands had been blocked out as large tracts during the Mexican period. The Mexicans had initiated California's style of land parcelization by incorporating the Spanish colonial hacienda system into their administration. The hacienda, comparable in many respects to the feudal manorial system, was a self-contained social and economic entity. Farm labor was thought of as a part of a much larger obligation of fealty to the *hacendado*. When, after 1848, the *hacendados* and the hacienda system were formally eliminated, the agricultural tracts remained intact, requiring management under another system. . . . Although the parallels between the hacienda and plantation system are by no means exact, both have large tracts of land and cheap labor as their economic foundation. The great agricultural valleys of California with their vast expanses of land and the intensive labor required for harvesting stood in contrast to small scale farming operations. . . . The ideal of the self-sufficient farmer, idealized in the Middlewest as upholding the values and

virtues of sturdy independence, equalitarianism and direct-action democracy, did not develop in California.<sup>1</sup>

There were agrarian idealists in California who, through the nineteenth century, asserted Thomas Jefferson's model of the family farm; but the pattern of land settlement in California, combined with land speculation, industrialization, the growth of monopolies in banking and transport, and the rise of cooperative marketing ventures, undercut and effectively silenced the agrarian idealists. In addition, many of the agrarian idealists were xenophobes. They supported Jeffersonian democracy, but equated local control with local homogeneity and wished to keep out foreigners, non-Christians, and peoples of color. This touches on another fundamentally important aspect of the unique structure of California agriculture, the ethnic composition of California's agricultural labor force. Vidich and Lyman describe the type and supply of labor upon which California agriculture was predicated and indicate what the important issues were for those influential in the recruitment and organization of the farm work force:

From its beginnings the labor force in California was recruited not from Europe, but from the countries and colonies surrounding the Pacific basin — China, Japan, Korea, the Pacific Islands, Hawaii, and Mexico. . . . [T]he critical issue was the availability, the quality, and the condition of the migrant agricultural labor force. The concern was not with assimilation or with saving souls, but with the recruitment of a stable agricultural labor force. This labor force was not conceived as transformable into a small-holding peasantry, moreover, it would have characteristics of neither the serf of the hacienda nor the slaves of the plantation.<sup>2</sup>

Vidich and Lyman also show how the labor force and the agricultural system in California were understood by those in position to shape and justify it. Their argument highlights the theories of Joseph Le Conte, a sociologist at the University of California at Berkeley, who defined the labor problem in California agriculture and directed Berkeley's powerful role in

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<sup>1</sup> Arthur J. Vidich and Stanford M. Lyman, *American Sociology: Worldly Rejections of Religion and Their Directions* (New Haven: Yale University Press, 1985), 242.

<sup>2</sup> *Ibid.*

maintaining the state's agricultural system. To Le Conte the labor problem was that of "organizing racial groups to labor in a post-slavery society."<sup>3</sup>

Le Conte put forward an argument . . . to the effect that "slaves were not property, chattels, in the sense in which other things are," and, he insisted, "in fact they were never so treated in the South." Slavery, Le Conte observed, was simply a system of organizing labor power. With respect to Negro slaves, slaveholders had merely exercised "the right claimed . . . to their labor power." The postwar system meant only a change in social organization "from a slave-system to a wage-system." What had formerly been the market value of slaves would now pass to the land itself, "if the labor remained reliable." Wage labor, like the slave labor that had preceded it, was but another form of warrantable calling. Hence, Le Conte could argue — as he did in 1888 before the California Historical Society — that the South had no need to "repent" of any "sin" of slavery because it was a system of labor organization admirably suited to the condition of Negroes. Although Le Conte intended his comments to be applicable to the plantation system of the South, they were equally apt for the agribusiness of California.

The special organization of agriculture in California — agribusiness — represents a rationalized plantation system wherein the slaves would be replaced by migrant workers and illegal aliens. In addition, under a wage system, the owner of the enterprise, unlike the plantation owner or the *hacendado*, is not responsible for the care and feeding of the laborer. Hence, the migrant worker is housed on the farm and may even be fed in a central dining area, but the costs of these services are borne by the worker, who leaves the farm when there is "no more work."<sup>4</sup>

It was these conceptions and the economic situation maintained by them that created a chronic condition of dissatisfaction among California's agricultural workers.

The dissatisfaction and unrest among California farm workers led to demands for justice, equality, and the right to organize. These liberal ideas

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<sup>3</sup> Ibid., 243.

<sup>4</sup> Ibid.

were advocated by a range of groups drawn into the farm workers' struggle throughout its history. They were responded to in a wide variety of ways. They were resisted, often with violence. At times, they were supported. Eventually, Cesar Chavez, leader of the United Farm Workers union (UFW), managed to channel the farm workers' discontent and chronic unrest into a sustained social movement that won legal recognition, bargaining rights, contract benefits, and political leverage for farm labor in California. With shifts in national political alliances and the emergence of new political actors in the 1960s, Chavez managed to broaden the issues involved in the farm workers' movement and to put them before a national audience.

An unusual aspect of the changing situation was the role of the Democratic administration in Washington. During the 1960s, the federal government took on the task of organizing unrepresented individuals into groups and absorbing their organizational representatives into the political bargaining processes. Chavez, by 1966, had managed an important breakthrough in the organization of farm laborers, but it was not clear that he could be made a part of the controlled network of benefits, party loyalty, and electoral support. Democratic politicians seized an opportunity to enhance their leverage in California politics by providing funding for California Rural Legal Assistance (CRLA), a legal services program under the umbrella of President Lyndon Johnson's War on Poverty. Gary Bellow, CRLA's first deputy director, pushed to make CRLA an organizing agent and partner in the farm workers' movement.

Growers called on allies at the state and federal levels to oppose CRLA. To combat Chavez, they turned to a national union more to their liking than the UFW: the International Brotherhood of Teamsters (IBT). Growers used the IBT, not only to contain the scope of the conflict generated by farm workers' grievances, but to put forth a type of legitimacy that could garner support for reinstating the privacy and independence of grower business dealings, including their labor policies. The Teamsters claimed to recognize the need for the extension of economic bargaining power to farm workers, but promised to deliver a more "businesslike" administration of labor contracts than the UFW, and to abandon Chavez's political-ideological approach to labor organizing. Growers, stung by charges of

callousness and injustice toward their employees, found in the Teamsters' arguments a legitimating ideology that carried weight with outsiders.

By the mid-1970s, the conflict was costly to everyone involved. The Teamsters and the growers had collaborated with each other, but were not really members of the same team. Their partnership was born of expediency and they quickly came into conflict with one another. According to growers, the fields were in chaos. The Teamsters were under fire from the AFL-CIO, the UFW's national affiliate, and it was clear that the unionization of field hands was not one of the IBT's vital interests. CRLA was fighting a Republican administration in Washington for its survival. The UFW seemed to be losing out to the IBT. And, despite a growing tide of criticism from UFW supporters, Chavez continued to resist stabilizing and professionalizing his organization to make it more efficient. As a consequence, California Governor Edmund G. Brown, Jr. was well-positioned to secure passage of legislation to regulate the conflict. In 1975 he managed to win agreement on a compromise bill to set up legal machinery to order farm labor relations and assure collective bargaining for California farm workers.

The farm workers' push to be included in political and economic institutions did not begin with the Delano grape strike of 1965, nor did it end in 1975 with passage of the Agricultural Labor Relations Act, as recent events have shown, but the decade marked off by those years was the period of greatest popular recognition and response to the farm workers' plight. The events of these years cannot be understood, however, without an appreciation of the history of the farm labor problem in California and a knowledge of the leaders and organizations that mounted organizing drives prior to World War I, in the 1930s, 1940s, and 1950s. This study tells the story of these groups and how they fought for liberal conceptions of justice, equality, and the right to organize. It focuses on the growers and their allied business interests, on the politicians involved, and on the labor unions, and tells the story of the two organizations just mentioned, the UFW, with its Mexican-Catholic elements and identity, and CRLA, with its emphasis on legalism and activism.



## Chapter 2

# LABOR IN CALIFORNIA: THE SETTING

California is the nation's leading agricultural state. It accounts for 10 percent of the country's gross cash receipts from farming, produces 40 percent of the country's vegetable, fruit, and nut crops, and employs over a quarter of a million farm workers each year. The state is responsible for 90 to 100 percent of the total U.S. production of fifteen crops, including 92 percent of the grapes.

Virtually every farm crop produced in the United States is grown in California.<sup>1</sup> The mild climate and extended growing season make it possible to produce this wide variety of crops, and in some cases to harvest two, and even three, plantings a year; but these possibilities would not have become realities without a cheap and steady supply of water. This the federal government provided beginning in the 1930s with the construction of concrete dams and ditches that take water from the Colorado River and trap runoff in the Sierras, funneling it to the rich central valleys of California's agricultural heartland. About 75 percent of California cropland

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<sup>1</sup> Lamar B. Jones, "Labor and Management in California Agriculture, 1864–1964," *Labor History* (Winter 1970): 23–40; U.S. Department of Agriculture, *Fact Book of U.S. Agriculture* (Washington, D.C.: Government Printing Office, 1970), 68–70.

is irrigated.<sup>2</sup> The productivity of California agriculture is indeed due to the remarkable climate of the state and the government-subsidized water projects that make so much of its land fertile, but this is only part of the picture. In contrast to states in the Northeast and Midwest, California was settled in vast mission estates and has a long history of large-scale land holding. These large holdings formed a base for the early and extensive development of industrial agriculture.<sup>3</sup>

Prior to 1848, government land policies under successive Spanish and Mexican regimes had created an aristocratic class of large landowners in what is now California. When Mexico broke up the early mission properties in 1833, it granted over 26 million acres to a mere 800 families. After 1848, when the Treaty of Guadalupe Hidalgo ceded California to the United States, Anglos replaced Latinos, often by fraudulent means, and upset the pastoral and aristocratic lifeways of the great landed estates of California's colonial period.<sup>4</sup> As a result, the American era did more than modify land use, it revolutionized it. Aggressive American entrepreneurs turned millions of rich acres that Spanish and Mexican owners had been content to use for pasture to commercial ends.<sup>5</sup> Bonanza wheat farming became a major industry. This method of farming was referred to as "mining for wheat" because it reflected the quick-profit mentality that so marked the behavior of miners during the California gold rush. "In one point of view, it is a manufacturing business in which clods are fed to the mill and grain appears in carloads. Such farming holds the same relation to society as does a manufacturing corporation."<sup>6</sup>

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<sup>2</sup> Robert C. Fellmeth, *Politics of Land* (New York: Grossman Publishers, 1973), 115–80; Paul S. Taylor, "Central Valley Project: Water and Land," *The Western Political Quarterly* 2, no. 2 (June 1949): 228–53.

<sup>3</sup> Paul S. Taylor and Tom Vasey, "Contemporary Background of California Farm Labor," *Rural Sociology* 1, no. 4 (December 1936): 401–19.

<sup>4</sup> U.S. Public Lands and Surveys Committee, "Mexican Land Grants in California," Hearings before a Subcommittee of the Committee on Public Lands and Surveys, U.S. Senate, 71st Congress, 1st session, April 2–6, December 5, 1929, February 6, and May 27, 1930, Gerald P. Nye, Chairman.

<sup>5</sup> Paul S. Taylor and Tom Vasey, "Historical Background of California Farm Labor," *Rural Sociology* 1, no. 1 (September 1936): 281–95.

<sup>6</sup> Quoted in Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers 1870–1941* (Ithaca and London: Cornell University Press, 1981), 21.

Even a brief discussion of the acquisition and use of land in California would be incomplete without reference to the Pacific Railroad Act of 1862. That Act, and a follow-up measure passed in 1864, gave the railroad a 400-foot right-of-way through the public domain; twenty sections, one square mile each, of federal land for each mile of the first twenty miles of line built; and construction loans at a rate of \$16,000 to \$48,000 a mile, on which no principal or interest had to be paid for thirty years. Through a variety of political and financial maneuverings, some legal, if unethical, and others illegal, the “Big Four” of the Central Pacific (later the Southern Pacific) Railroad, Leland Stanford, Collis Huntington, Mark Hopkins, and Charles Crocker, milked the state and the federal government for land and money. By 1882 the Central Pacific had acquired more than 10 percent of the state’s entire acreage — a well-placed 10 percent that the “Four” used to support monopolistic practices.

“We don’t ride the railroad,” customers said, “the railroad rides us.” Today the Southern Pacific is still the biggest single private landholder in California with 2 percent of the entire acreage of the state.<sup>7</sup>

With Americanization, the oligopolistic pattern of land ownership established under colonial rule continued. Even the Homestead Act could not undo the legacy of California’s colonial past. In the nineteenth century, the State of California disposed of more than 8 million acres through land policies intended to support small family farms, but the land went to anyone ready, willing, and able to acquire a piece of it. Successful strategies included fraud and force as well as settlement and work. As a consequence, big commercial farmers and businesses as well as individual homesteaders acquired land. Yet there was enough open space as late as 1914 to permit additional homestead entries for nearly 5 million acres with 21 million more acres of vacant public land still available. Indeed, small units of ownership and production are statistically significant in California. There were some 120,000 of them in 1965; but the network of family farms that arose in California with the help of the Homestead Act and other government policies influenced the character of rural California

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<sup>7</sup> Fellmeth, *Politics of Land*, 3–25; Carey McWilliams, *Factories in the Field* (Hamden: Archon Books, 1969), 15–17.

far less than the agricultural giants whose presence had been established earlier.<sup>8</sup>

In 1965, along with the 120,000 small owners, there was the DiGiorio Fruit Company with 11,000 acres of cropland in Arvin, California, and 5,000 in Delano. Also in the Arvin–Delano area, growers Jack Pandol, Martin Zaninovich and family, and Joseph Giumarra owned 2,200, 8,000, and 12,400 acres, respectively. The Irvine Ranch in Southern California claimed 97,000 acres. In the Tehachapi mountain range, El Tejon Ranch had expanded from its original 97,000 acres, acquired in a Mexican land grant, to 300,000 acres. The Kern County Land Company owned more than 1,900,000 acres in four Western states, easily dominating the California county for which it was named. The Newhall–Saugus Land and Farming Company cultivated thousands of acres near Los Angeles. In the central part of the state, the Spreckels Sugar Company, the successor of another Mexican land grant, claimed much of the Salinas Valley. The Boswell Company, engaged in cotton growing and cattle raising, owned or controlled 100,000 acres of land. The Salyer Farms, based in Corcoran in the lower San Joaquin Valley, farmed 30,000 acres, some its own land and some under lease.<sup>9</sup>

The Salyer Farms leasing arrangement was one of three typical patterns of agricultural use among large land holders in California. In the latter part of the nineteenth and early twentieth centuries, large and small holdings were developed into factory farms, mobile operations, and consolidated holdings. Factory farms

own the land . . . usually in one or a few large tracts; the land frequently had heavy expenditures for improvements, including permanent plantings, labor housing, packing sheds, and processing plants; there is generally an effort to integrate the industry by

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<sup>8</sup> Paul W. Gates, "The Homestead Law in an Incongruous Land System," *American Historical Review* 41 (July 1936): 652–81.

<sup>9</sup> Agribusiness Accountability Project, *The Directory of Major U.S. Corporations Involved in Agribusiness* (San Francisco: Agribusiness Accountability Publishers, 1976); Peter Barnes and Larry Casalino, *Who Owns the Land?* (Berkeley: Center for Rural Studies, 1972); Fellmeth, *Politics of Land*, 3–251; and Carey McWilliams, *Factories in the Field*, 11–47.

getting control of box-making plants, processing plants, and distribution systems, and the units are usually incorporated.<sup>10</sup>

Mobile operations are business enterprises in which farmers specialize in one or two heavily soil-depleting crops and lease rather than own the acreage they plant. The leases run only for that period of time during which the land can produce the mobile farmer's special crop. Then the land is turned back over to its owner and the mobile farmer moves on. Mobile operations generally have some land that is owned outright and used for packing sheds, labor housing, and so forth. This style of industrial farming developed in the Salinas and Imperial Valleys of California in the early 1920s. It was associated with the lettuce, melon, and carrot crops, but has since spread to other crops and into other regions in rural California. Consolidated holdings are those which result from the joining of smaller tracts of land. Many approach the size of factory farms. That is, the more land a farmer owns, the greater the pressure placed on him to invest in a processing plant to keep costs down. Once the farmer has invested in a processing plant, he has added reason to buy more land and plant more crops to assure a steady flow of high-quality produce through his plant.<sup>11</sup>

We are able to list some of the largest farms and consolidated holdings in California together with the acreage they control, but the full picture of just who owns what land in California is not entirely clear. Statewide figures are not available — not even from those state and federal agencies which regulate land ownership, use, and development. In 1971, a study group was able to compile a statewide list of landowners from scattered local sources, however. According to the study, there were 11,815,000 acres of cropland in California. Twenty-nine farming businesses owned 21 percent of this land; 75 owned 27 percent; and 220 owned 35 percent of it.<sup>12</sup> A second estimate drawn from the 1964 U.S. Census of Agriculture indicated that 7 percent of the farms in California owned 79 percent of the agricultural land and

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<sup>10</sup> Walter Goldschmidt, *As You Sow* (Glencoe: The Free Press, 1947), 6.

<sup>11</sup> *Ibid.*, 10–131; Walter Goldschmidt, "Small Business and the Community," in *Corporation Farming, Hearings before the Subcommittee on Monopoly*, U.S. Senate Select Committee on Small Business, 1968.

<sup>12</sup> C. V. Moore and J. H. Snyder, *A Statistical Profile of California Corporate Farms*, University of California Agricultural Economics Information Series 70-3 (Berkeley: University of California, December 1970).

employed 75 percent of the state's farm workers.<sup>13</sup> A look at local ownership patterns only emphasizes the picture of concentrated ownership. The top twenty landowners in each rural county were found to own from 25 to 50 percent of the private land. The top twenty owners and the government together owned from 50 to 90 percent of the land.<sup>14</sup>

Large-scale commercial wheat farming was widespread in California in the 1860s, but by 1870 a system of crop specialization had begun to prevail and since then crop specialization has intensified. Farming operations engaged in intensive, specialized cropping depended on a large force of seasonal workers. Historically, successive waves of impoverished immigrants supplied the manpower needed.<sup>15</sup> By the 1860s, the Indians who were used as near-slaves in Spanish California had all but disappeared. In agricultural regions, they had been largely replaced, after the Gold Rush, by Chinese labor, originally brought in to work on the Southern Pacific Railroad. But the Chinese were resented, especially by jobless whites for whom the Gold Rush had not panned out, and also by small farmers, who claimed they could not compete with what they termed a "cheap" labor force. (Recent scholarship has determined that what was thought to be "cheap" labor was not necessarily cheap when compared to prevailing wage standards.) Chinese immigration was virtually halted by the Chinese Exclusion Act of 1882, and after that the big farmers turned to the importation of Japanese. The Japanese, too, were soon bitterly resented because they undercut all other labor. Moreover, they were more effective farmers than the Americans; they bought and cultivated poor land that nobody else had bothered with; their labor gangs were self-dissolving migrant groups that transformed themselves into small-holders by bargaining to lease a portion of the land on which they worked as pickers. This situation was dealt with by the Alien Land Law of 1913, which prevented further acquisition of farm land by aliens.<sup>16</sup> The next waves of farm laborers in California contained

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<sup>13</sup> U.S. Department of Commerce, Bureau of the Census, *Area Measurement Reports, Areas of California: 1960*, Series GE-20, No. 6 (March 1965).

<sup>14</sup> Fellmeth, *Politics of Land*, 12–13.

<sup>15</sup> Paul S. Taylor, "California Farm Labor: A Review," *Agricultural History* 42 (January 1968): 49–53; Taylor and Vasey, "Contemporary Background," 401–19.

<sup>16</sup> Ping Chiu, *Chinese Labor in California, 1850–1880: An Economic Study* (Madison: University of Wisconsin Press, 1963); McWilliams, *Factories in the Field*, 103–33; Moses Rischin, "Immigration, Migration, and Minorities in California," *Pacific*

Hindus, Arabs, Armenians, and Europeans. The European and Armenian immigrants, less oppressed than other groups by the racial discrimination that had advanced the economy of California from the start, gained a strong foothold, and the parents of many of the Valley farmers of today were among those immigrants. Mexican peasants had always crossed the border more or less at will, and after the Mexican Revolution of 1910, starving refugees presented the growers with a new source of cheap labor. Filipinos were brought in during the 1920s and for a time the cheap Mexican labor was undercut by even cheaper Filipino labor. Most of the Mexicans were deported after 1929, when the "Okies" swarmed into California from the dust bowl. The Depression produced a heavy labor surplus among the native-born, and an effort was made to keep the border closed. Mexicans had been predominant in the farm labor force from 1914 to 1934, and in those years they had tended to be more tractable than other groups. For the most part, it was Filipinos and Anglos who staged the famous farm strikes of the 1930s. After the Philippine Islands Independence Act of 1934, the importation of Filipinos came to an end, and their numbers have been dwindling ever since. During the war years, many farm workers drifted into the booming war economy of factories and shipyards and the minorities that remained were not numerous enough to harvest the enormous quantities of produce that the war demanded. The farm labor emergency was met by a series of agreements with the Mexican government known collectively as the *bracero* program.<sup>17</sup>

In the agricultural economic market, the beginnings of class formation can be seen as farm laborers came together with others who experienced similar work conditions. Material conditions of existence separated the owners from the employees, throwing agricultural workers together in rural labor camps and drawing rural landowners and directors of agricultural corporations together in their round of business activities. These

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*Historical Review* 41, no. 1 (February 1972): 71-90; Chester H. Rowell, "Chinese and Japanese Immigrants — A Comparison," *Annals of the American Academy of Political and Social Science* 34 (September 1909): 4-6.

<sup>17</sup> Henry Anderson, "The Bracero system and the National Honor," Statement prepared for a Hearing of the U.S. Senate Committee on Agriculture and Forestry, on S. 1945 and H.R. 2010 (June 1961); Ernesto Galarza, *Merchants of Labor* (Santa Barbara: McNally and Loftin, 1964); N. Ray Gilmore and Gladys W. Gilmore, "The Bracero in California," *Pacific Historical Review* 32, no. 3 (August 1963): 265-82.

conditions shaped how people lived and in whose company. The precise nature of stratification within each community involved in the farm workers' struggle cannot be determined, but there is a community study that gives specific information on the stratification of groups within a California community where large-scale land holding and industrial agriculture formed the backbone of the economy.

In 1940–41 Walter Goldschmidt studied and compared two communities in the fertile southern San Joaquin Valley near Wasco.<sup>18</sup> Goldschmidt chose Dinuba because farming operations in the community were modest in scale, closer to the model of a network of family farms. Arvin, on the other hand, was a community where factory farms were the norm. In Goldschmidt's words:

The small-farm community is made up of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great, and people associate freely in those organizations which serve the community. Where farms are large, on the other hand, the population consists of relatively few wealthy persons and large numbers whose only tie to the community is an uncertain and relatively low-income job. Differences in wealth are great among the residents of this town, and social contacts between them are rare.<sup>19</sup>

Goldschmidt found a simple two-level class system in Arvin, the large-farm community, during his field work there in 1940–41. The upper class included whites long resident in the community, in many cases for several generations, who had helped create the community's institutions, and now controlled them and maintained the community's values and social ties as well. This dominant group Goldschmidt called the "social nucleus." Outside the nucleus, or below the dominant stratum, the lower class consisted of more recent arrivals to the community, who were excluded from the inner sphere of social activity and control. Goldschmidt called them "outsiders." Within each of the two principal groups Goldschmidt found further differentiation. The upper class embraced an elite, a middle

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<sup>18</sup> Goldschmidt, *As You Sow*.

<sup>19</sup> *Ibid.*, 285.



group, and a marginal group, distinguished mainly by their occupation, income, prestige, and lateral links of consanguinity and friendship. The lower class, consisting principally of farm workers, was divided racially into three groups, Mexican Americans, Negroes, and whites. Among both Mexican Americans and Negroes, Goldschmidt found evidences of special institutions, such as the church and extended family. The whites appeared to possess little homogeneity, except in their constant aspiration to gain admission to, or at least acceptance from, the dominant nuclear community.<sup>20</sup>

The farming community's class structure seemed particularly bleak and polarized. Great was the social distance between the two groups, the one possessing the credentials of land ownership, or professional servicing of owners; the lower group lacking these credentials of social worth and status. In Arvin, Goldschmidt found that farm laborers in general were unwilling to identify themselves as members of a laboring class. This was due in large part to the composition of the farm labor pool at the time of Goldschmidt's study. Goldschmidt noted that union activity was foreign to the farm workers' background and temperament. White workers in particular strove for status as individuals. The group constituting the "social nucleus" had virtually complete authority to confer status on outsiders at the same time that outsiders had "no mechanisms for establishing and maintaining group identity."<sup>21</sup> Potential conflicts rarely flared into the open, since the informal controls over behavior exerted by the upper class were well established and recognized. Poor whites were striving for social acceptance while Blacks and Mexicans were socially ostracized. Goldschmidt claimed that the only recognizable bases for group identity among farm workers in Arvin were church activity and union activity, and in Wasco in 1940–41, these institutions failed to unify farm workers.<sup>22</sup> Community studies have not been done for every farming community

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<sup>20</sup> By 1948, the whites appear to have been assimilated into the rural California communities to which they came during the drought-plagued Depression years: "As for the once tumultuous Okies, they have been pretty well assimilated into small stucco cottages on tiny farms or into jobs in farming-area cities, indistinguishable except for the drawling 'you-alls' that Californians hardly notice anymore." "Valley Workers Striking," *The New Republic*, June 21, 1948, 6.

<sup>21</sup> Goldschmidt, *As You Sow*, 70.

<sup>22</sup> *Ibid.*, 71.

in California, but the evidence we do have indicates that in communities dominated by large farms, the class structure is highly polarized, with farm workers excluded and at the bottom.

Goldschmidt was able to specify the relationship between class stratification and a number of influences on life chances. Goldschmidt found that the small-farm community supported 62 separate business establishments compared to 35 in the large-farm community — a ratio of nearly two to one. People in the small-farm community had a better average standard of living than those living in the community of large farms. Less than one-third of the breadwinners in the small-farm community were agricultural wage laborers, while almost two-thirds were wage laborers in the large-farm community. Physical facilities for community living — sidewalks, paved streets, sewage and garbage disposal, and other public services — were more prevalent and of superior quality in the small-farm community. The small-farm community had three times the number of parks and five times the number of schools as the large-farm community had. The small-farm community had more than twice the number of organizations for civic improvement and social recreation as its large-farm counterpart. The small-farm community supported two newspapers, each with many times the news space carried in the single paper of the industrial farm community. Facilities for making decisions on community welfare through local popular elections were available to people in the small-farm community; in the large-farm community such decisions were in the hands of county officials. Goldschmidt did a follow-up study in 1968 and found that the distinctions between the two communities held.<sup>23</sup>

The pattern of group affiliation within California's agriculture communities, the stratification of groups there, the consolidation of stratification networks, and the links between community groups and institutional positions outside the local communities provide an explanation of the dominant position of farm employers, particularly in large-farm communities. United by common interests, farm employers formed strong groups, created organizations, and established institutional connections. Initially, farmers organized along occupational and regional lines, with the California State Agricultural Society and its network of district associations

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<sup>23</sup> Walter Goldschmidt, "Small Business and the Community."

providing a platform for wider communication and cooperation. Of concern were general political and economic interests. Very soon, however, farmers' associations were created to promote the common business interests of farmers engaged in growing and marketing a given crop.<sup>24</sup> In the 1860s the wool growers and the wine makers each formed an association to keep themselves informed of prices, sales, and freight rates. After a decade and a half of partial and imperfect cooperation, the large-scale orchardists of the citrus growing regions of Southern California established an effective growers' association, the Southern California Fruit Exchange. In 1905, the Exchange expanded to include citrus producers throughout the state. The name of the association was then changed to the California Fruit Growers Exchange. At a convention of the Exchange in 1910, J. W. Jeffrey, the state commissioner of horticulture, advised his audience that the producers of each crop should

have a league or a protective committee of some kind authorized and supported for the purpose of handling every proposition that has a general bearing upon the prosperity of the business, and to whom all could look in times of danger, or in the promotion of any measure of benefit to the whole industry. I earnestly recommend that this convention take up this matter of trades representatives, and urge every industry to make provision for the handling of its difficulties through some plan that will bring its every element into harmonious and effective action in the promotion of all its trade interests, and in protection from its perils.<sup>25</sup>

Farmers were indeed cooperating with each other and continued to do so. Early in the twentieth century, the central California beet growers formed an association, as did the California tomato growers, the California asparagus growers, the California Diamond Walnut growers, the California cotton producers, and many more. By 1920 growers' associations were

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<sup>24</sup> Daniel, *Bitter Harvest*, 40–70; H. E. Erdman, "The Development and Significance of California Cooperatives, 1900–1915," *Agricultural History* 32 (July 1958): 179–84; Galarza, *Farm Workers*, 47–55; and *Senate Reports*, No. 1150, "Employers' Associations and Collective Bargaining in California," 77th Congress, 2nd session, pt. 4, 407–672.

<sup>25</sup> From the Thirty-sixth Fruit Growers' Convention *Proceedings* (Watsonville: December 7–10, 1909), quoted in Daniel, *Bitter Harvest*, 42–43.

active in every branch of commercial agriculture in California and had established ties to the California Farm Bureau, yet another organization of farmers, which connected 500 local affiliates with the national farmers' lobby, the powerful American Farm Bureau Federation.<sup>26</sup>

Of all the farm employers' associations, however, three, the California Farm Bureau, the Agricultural Labor Bureau of the San Joaquin Valley, and the Associated Farmers of California, were particularly active in relation to the labor issue. The California Farm Bureau, formed in 1919 under the direction of representatives of the United States Department of Agriculture, has been a lobbyist in Washington for foreign labor contract programs and has consistently opposed legislation that would protect immigrant farm workers.<sup>27</sup> The Agricultural Labor Bureau of the San Joaquin Valley was formed in 1926 and continues to be supported by agriculturally-allied interests including chambers of commerce, oil companies, public utilities, and banking and investment interests, for the purpose of procuring and distributing seasonal labor, domestic and foreign, and establishing "prevailing wages" for its over 800 grower members in six counties. The ALB is larger but otherwise similar to over seventy-five grower associations operating in California.<sup>28</sup> They are the entities through which agricultural businesses have normally procured foreign contract labor. They have also been the enforcers of wage ceilings, called "prevailing wages," established before the harvest season by the associations. The Associated Farmers of California was founded in 1934 by the California Farm Bureau, Southern Pacific Railroad, Bank of America, the Cannery League of California, the five largest banks in San Francisco, and the Standard Oil Company of California. Its purpose was to suppress migrant strikes and attempts at unionization among farm workers.<sup>29</sup> The impact of these organizations on government was enhanced by their coordinated efforts through the national structure of the American Farm Bureau Federation, sometimes

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<sup>26</sup> Clarke A. Chambers, *California Farm Organizations: A Historical Study of the Grange, the Farm Bureau, and the Associated Farmers, 1929–1941* (Berkeley: University of California Press, 1952), 1–8.

<sup>27</sup> Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971).

<sup>28</sup> *Senate Reports*, No. 1150, pt. 4, 417–18, 500–22.

<sup>29</sup> *Ibid.*, pt. 4, 573–672.

the National Grange, and more recently the National Farm Labor Users Committee (NFLUC). The last group was formed as a result of the United States secretary of labor's establishment in 1947 of a Special Farm Labor Committee — composed of one farm labor employer delegate from each state — to advise him on foreign contract labor procurement. NFLUC represents some 300 groups in thirty-eight states, and works closely with the American Farm Bureau Federation and the National Grange on matters of national policy.<sup>30</sup> In the early 1960s, the Council of California Growers was created to become the chief public spokesman for California agricultural businesses. Its weekly confidential newsletters to growers stimulated communication among them regarding farm labor issues, and its “educational” outreach attempted to create a public opinion sympathetic to the needs of agricultural businesses in California.<sup>31</sup>

The expansion of farms into corporate enterprises provided a base for coordination too. In 1959, for example, the Sunkist growers operated 132 packing sheds employing over 12,000 workers to process its members' crops. It arranged loans, maintained storage facilities and processing plants, and spent \$1 million on advertising to assure a wide market for Sunkist products.<sup>32</sup> For groups not affiliated with a corporate giant like Sunkist, this fuller range of coordination, reaching out to financial institutions, food processors, and advertising agencies, came through grower-shipper associations. In 1959 there were 59 grower-shipper associations in California coordinating the interests of growers of a particular commodity with other related functions.<sup>33</sup>

Members of different groups are tied together through their positions in institutional networks. This establishes a means of linking, if not necessarily unifying, distinct groups. It can also extend the group into institutional relations at a distance from the familiar personal networks of members' day-to-day lives.

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<sup>30</sup> Chambers, *California Farm Organizations*.

<sup>31</sup> Samuel R. Berger. *Dollar Harvest: The Story of the Farm Bureau* (Lexington: D. C. Heath and Co., 1971), 1–221.

<sup>32</sup> Josephine K. Jacobs, “Sunkist Advertising” (Ph.D. diss., University of California, Los Angeles, 1966).

<sup>33</sup> Daniel, *Bitter Harvest*, 42–43.

Relations with financial institutions were particularly important for farmers. Factory farms, mobile operations, and consolidated holdings typically require large investments of capital on a short-term basis since the farmer's normal practice is to finance his seasonal operations by borrowing. It is quite common for a grower who has had an excellent year to go out and spend instead of put money away "for a rainy day." Farmers tend to gamble, to take risks, and to be overextended. The typical pattern is for the farmer to borrow a large sum of money from a bank at the beginning of the crop cycle, use it to get his crops into the ground and oversee their growth and harvest, then repay his loan with sales revenues from the harvest. Between loan and harvest, the farmer's financial situation fluctuates under the influence of market forces and the whims of Nature.

With regard to borrowing, large corporate farms and small family farms operate in different capital markets. As a rule, local banks service the small farmer, while corporate farms gain access to sources of capital outside the local community. Agricultural conglomerates manage to issue securities and bonds and secure loans in national financial markets.<sup>34</sup> Indeed, the major California banks, the Bank of America in particular, are committed to the big commercial farms. The Bank of America finances 50 percent of California agriculture.<sup>35</sup> In a speech before the association of California Cannerymen and Growers in 1968, Rudolph A. Peterson, president of the Bank of America, asked, "Why is a banker talking about agricultural policy?" then went on to answer his own question:

Because Bank of America has a deep stake in agriculture. We are the world's largest agricultural lender with lines of credit for agricultural production running at about a billion dollars a year. Our total agricultural commitment is probably around \$3 billion. We've been in agriculture a long time and we intend to stay in agriculture for a lot longer. In a very real sense, then, agriculture is our business.<sup>36</sup>

Agribusiness leaders serve as directors of major corporations and financial institutions and vice versa. In the 1960s, Robert DiGiorgio, president of

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<sup>34</sup> *Senate Reports*, No. 1150, pt. 4, 262–96.

<sup>35</sup> Fellmeth, *Politics of Land*, 81.

<sup>36</sup> A. V. Krebs, Jr., "Agribusiness in California," *Commonweal*, October 9, 1970, 45–46.

DiGiorgio Corporation, was on the board of Pacific Vegetable Oil Corporation, Union Oil Company of California, New York Fruit Auction Corporation, Philadelphia Fruit Exchange Inc., Pacific Telephone and Telegraph, Bank America Corporation, and the Bank of America. President Peterson of the Bank of America was also on the boards of Dillingham Corporation, a construction and development firm, Kaiser Industries, Consolidated Food Corporation, the California State Chamber of Commerce, and the DiGiorgio Corporation. Peter Cook of Pacific Telephone and Telegraph was on the boards of several large insurance companies, Wells Fargo Bank, Western Pacific Railroad, and the Kern County Land Company. With Wells Fargo Bank there was Ernest C. Arbuckle, also a member of the executive committee of Safeway stores. Safeway's board consisted of men, including J. G. Boswell, who controlled approximately one million acres of California's richest agricultural land. And there was Edward Carter, chairman of the Board of Regents of the University of California, who was a trustee of the Irvine Foundation, on the boards of Southern California Edison Company, Pacific Telephone and Telegraph, and United California Bank, and president of Broadway-Hale department stores.<sup>37</sup>

The many grower associations extended their influence to establish relations with public agencies as well as financial and other private institutions. All of the various forms of cooperation and coordination eventually aimed at two things, control of prices and markets and leverage with government. Of particular concern to California farmers were cheap water and cheap labor. Government was most helpful in providing both. The "water problem" in California, the need for irrigation, was originally handled by private companies. Local irrigation systems were organized, expanded, and consolidated with less than 2 percent of their cost publicly financed.<sup>38</sup> In the early 1900s, the most prominent private water companies were Fresno Consolidated Canals, the Sacramento Valley Irrigation Company, and the Kern County Land Company's canal system; but the private companies were not meeting the demand for water. The farmers' desire for a regular supply of cheap water culminated in the California Water Plan of 1931. The plan called for a network of reservoirs, canals, and pumping stations to

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<sup>37</sup> Agribusiness Accountability Project, *The Directory*.

<sup>38</sup> Carey McWilliams, *California: The Great Exception* (New York: Current Books-A. A. Wyn, 1949).



supply water to the Imperial and Coachella Valleys and eventually to the great Central Valley of California. It took thirty years to complete and was financed at taxpayers' expense.<sup>39</sup> Access to the water was made more available to large-scale enterprises than to small farms, not by the terms of the plan, but through California's water rights law. The law justifies

giving water away substantially below cost, at the expense of taxpayers and utility consumers, in terms of a "regional development" theory that a water subsidy will return many times its value by stimulating the local economy. California's law of water "rights" and its philosophy that "water should be gratuity-free" underlie all forms of subsidy. Individuals establish their "right" to the state's water simply by taking it, first come, first served, and once they have a "right" to use a certain volume of water they can neither sell nor transfer it. Water obtained in this fashion tends to be wasted, since the holder of the free right does not necessarily put the water to as valuable a use as would someone who had paid for it. The water-rights system leads landowners to grab water resources and use them wastefully long in advance of need, in order to claim future rights, and benefits wealthy large landholders at the expense of their poorer neighbors since the rich can afford to grab water resources they do not need and sit on them, or use them to no benefit for a long time. Big landholders who can use the most "free" water get proportionally bigger subsidies — not only from the use of water directly but from the increased value of their land due to the water.<sup>40</sup>

Grape growers in particular are dependent upon government-financed irrigation. With the establishment of the grape growing business in the San Joaquin Valley demand for water increased dramatically. The growers drilled wells and began pumping water out of the ground. The water table steadily dropped until the cost of drilling wells and pumping water became prohibitively expensive. For all intents and purposes, the Federal Bureau of Reclamation's Friant–Kern Canal of the Central Valleys Project saved the grape industry. By the late 1960s it cost the government \$700

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<sup>39</sup> Taylor, "Central Valley Project," 239.

<sup>40</sup> Fellmeth, *Politics of Land*, 54–55.



an acre to supply water to farms in the valley, while growers paid \$123 an acre for it.<sup>41</sup> The negative balance was made up by taxpayers and those who used electricity powered by the Project. The Project was supposed to benefit the small family farmer, to allow him to stay in business as the cost of water rose. That is why a 160-acre limit was written into the legislation authorizing the Project. No owner was to receive subsidized water from the Project for more than 160 acres of land. This requirement has been very loosely enforced, however. In 1969, for example, the DiGiorgio Corporation was farming 4,600 acres with federally subsidized water, the Shenley Corporation, 3,500 acres.<sup>42</sup>

Government has also intervened on the farmers' behalf to "rationalize" the supply of labor. The 1933 Wagner-Peyser Act created an employment service to organize and direct farm placement. The California Legislature had to approve the Act. The legislation did not include regulations governing wages, housing, or transportation of agricultural workers — regulations that would have protected agricultural laborers — and it was paid for by unemployment insurance funds, which agricultural employers do not contribute to. For these reasons, the Wagner-Peyser Act was acceptable to California farmers and was easily approved by the California Legislature. Except for an interval of three years, the Farm Placement Service remained in the Labor Department, but its permanent field offices in forty-five California counties quickly came under the influence of local farm advisory committees established by growers. These advisory committees arose to provide "information" to the farm placement bureaus, which relayed the "information," amounting to growers' wishes, to the State Board of Agriculture, then to the governor and state legislature.<sup>43</sup> Individual growers had direct access to politicians in the state, but the organized influence of the various growers' groups and associations made them all the more powerful.

"Rational" government-aided control of the water and the labor supply was not enough for the California farmer. Growers wanted government to intervene in the free market on their behalf; and intervene it did. The

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<sup>41</sup> U.S. Department of Agriculture, *Fact Book of U.S. Agriculture* (Washington, D.C.: Government Printing Office, 1970).

<sup>42</sup> *Ibid.*

<sup>43</sup> U.S. Department of Labor, *Background Information on Farm Labor* (Washington, D.C.: Government Printing Office, 1965).

most outstanding example of government action on behalf of organized growers and handlers of agricultural goods is the Agricultural Adjustment Act (AAA), fundamentally unchanged since it was passed in 1933 in response to “special” circumstances: hardships created by the Depression.<sup>44</sup> Through marketing orders and commodity programs, the AAA manages farm income for the farmer. Marketing orders can be obtained from state and federal agencies to regulate the quality of goods marketed, as well as the quantity and the packaging of food. They can also be obtained to collect marketing information, to initiate federal inspections, to provide funds for advertising and research, and to prohibit “unfair practices.” To get a marketing order, a group of growers must petition the secretary of agriculture and present its case:

If growers and handlers of a crop in a given area think a marketing order might improve their income, they can get together, decide which provisions they want, and petition the Secretary of Agriculture for a hearing. In practice, usually only an established agricultural association will have the legal manpower and inside knowledge of the USDA or State Department of Agriculture to draft a marketing order. After hearing the proponents and opponents, the USDA or State Department of Agriculture will approve or disapprove the proposed order. Next, at least two-thirds of producers and at least half of the handlers, must vote approval. In practice, if a big growers’ organization, like Sunkist for citrus or Sun Maid for raisins, wants the order, the order will be approved since the head of the organization votes for membership. An elected committee of growers will supervise the administration of the order, which will be financed by a per box or per ton charge on the crop. The USDA’s Consumer and Marketing Service oversees the federal orders.<sup>45</sup>

In 1970 California had forty-five marketing orders covering approximately two-thirds of its \$1.4 billion agricultural produce.<sup>46</sup> Commodity

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<sup>44</sup> Robert G. Sherrill, “Agribusiness: Reaping the Subsidies,” *The Nation*, November 24, 1969, 561–66.

<sup>45</sup> Fellmeth, *Politics of Land*, 65.

<sup>46</sup> *Ibid.*, 64.

programs consist of government support for farm prices. In 1967 the Boswell Company received \$4,091,818 in cotton subsidies under the U.S. Agricultural Stabilization and Conservation Service Act. In 1968 it received \$3,010,042 and in 1969, \$4,370,657.<sup>47</sup> “According to the calculations of former Budget Director Charles Schultz, the annual cost of the farm subsidies exceed[ed] \$10 billion [in 1969], or roughly the combined costs of all local, state, and federal welfare programs, including Medicaid.”<sup>48</sup>

Research paid for by the taxpayers constitutes yet another form of government subsidy to California farmers. The use of public funds to support California’s big commercial farmers is typical. Of \$25 million spent on agricultural research in 1967, less than \$1.5 million came from the farm businesses themselves.<sup>49</sup>

The dominant position of farm employers in rural California and their strategic access to state and national institutions had grave consequences for farm workers. In 1965, the year of the Delano Grape Strike, the average farm worker living and working in California earned \$1.35 an hour for his labor in the fields. The average factory wage was more than twice that amount. Eighty-four percent of all farm workers in California earned less than \$3,000 that year. Farm workers were exempt from the protections of the National Labor Relations Act, which guaranteed other workers the right to bargain collectively. They were excluded from the Federal Fair Labor Standards Act, which sets the basic minimum wage and maximum hours for industries engaged in interstate commerce. And, they were excluded from the Federal Unemployment Tax Act, which subsidizes 60 percent of the state unemployment insurance programs. At the state level, California farm workers were not covered by unemployment insurance, by a minimum wage, nor by a maximum hours provision. A farm worker’s wife and children would have received a minimum hourly wage of \$1.30 if they undertook farm work, but this rate did not apply to employers hiring fewer than five women and children, did not extend to 20 percent of the piece work performed for any one employer, and was not accompanied by maximum hour or overtime provisions. The State of California had extensive housing codes governing the operation and upkeep of labor camp

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<sup>47</sup> Sherrill, “Agribusiness,” 561–62.

<sup>48</sup> Fellmeth, *Politics of Land*, 68.

<sup>49</sup> Krebs, “Agribusiness in California,” 47.

housing. The State Labor Code required that shelter should be watertight, that each building should be provided with safe heating equipment to maintain a minimum temperature of 60 degrees, that each building should have sufficient windows to provide reasonable ventilation, and that all windows should be screened to keep out insects. A presidential Committee on Migratory Labor estimated that only a quarter to a third of the labor camps complied with these laws. Working conditions in the field were also regulated: employers were required to provide their workers with drinking water, toilets and hand washing facilities, and periodic rest periods. Yet, in 1965 fewer than 20 percent of the employers in the state complied with these requirements. The State Labor and Education Codes contained extensive regulations governing the employment, working conditions, and hours of minors, but inspectors from the Department of Labor found children working illegally on 60 percent of the farms they inspected. Farm workers had the highest occupational disease rate in California, twice that of all other industries combined. Twenty-five percent more farm workers than workers in general were hospitalized for serious injuries suffered on the job. Thirty-six percent more babies born to farm worker as compared to other mothers died in infancy. In rural California, the percentage of family heads of households with only a grade school education is over three times greater than in urban areas of the state; 41.7 percent to 12.7 percent, respectively.<sup>50</sup> These statistics provide a measure of the farm employers' local dominance and support the contention that farm workers were defined and treated as outsiders in the communities in which they lived and worked.

Because the farm labor movement developed outside the mainstream of American labor history and has been characterized by special features of geographic and ethnic isolation, a grasp of the outlines of its historical course is essential. In the next chapter, the UFW will be set in the context of previous farm labor organizing in California.

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<sup>50</sup> California State Assembly Advisory Committee on Farm Labor Research, *The California Farm Labor Force: A Profile* (Sacramento: April 1969), 1-154.

*Chapter 3*

## FARM LABOR ORGANIZING: THE BACKGROUND

From the beginning of the latter half of the nineteenth century until the Progressive Era in California, grower power over labor was highly impersonal and virtually unrestrained. Grower and labor interests would not extend rights and participation to the racial and ethnic minorities who worked as wage laborers on farms. The Chinese, who were imported to work on the Central Pacific Railroad and became available for farm work upon its completion, were considered a cheaper source of labor than slaves would have been. Supposedly, they would work for considerably less than American laborers, they could be dismissed during the off-season, and they were housed and fed at extremely low cost. Strong social and racial prejudice further weakened the farm employers' sense of responsibility. Ironically, the strong race prejudice that allowed commercial farmers to profit from Chinese immigrant labor, contributed to its elimination. Xenophobic feelings fed a national movement to have Chinese immigration cut off, which it was, in 1882. To some extent, white farm workers escaped the burden of prejudice heaped on "persons of color," but their circumstances were little better in other ways. The periodic depressions of the nineteenth century

generally managed to wipe out whatever meager economic foothold they were able to acquire.<sup>1</sup>

The Japanese, however, were something of an exception to the rule of farm worker powerlessness. The Japanese came to fill the seasonal agricultural labor market by about 1890. They organized to enter the labor market and initially seemed to accept extremely low wages in anticipation of driving other workers out. Then, with the crops ripening, they would threaten a work stoppage unless their demands were met. These demands included options to lease or rent small parcels of a grower's field. Despite the success of their labor associations, the Japanese were not interested in aggressive, sustained union organizing.<sup>2</sup> Agricultural landowners soon came to despise the Japanese tactics and to fear their industriousness and skill as horticulturalists, for the Japanese were very good at farming and making

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<sup>1</sup> Lamar B. Jones, "Labor and Management in California Agriculture, 1864–1964," *Labor History* (Winter 1970): 23–28.

<sup>2</sup> According to the U.S. Senate Subcommittee of the Committee on Education and Labor:

The Japanese were not interested in the regular labor organizations, but operated independently as racial groups. Like the Chinese, they followed the practice of organizing themselves into gangs under the direction of a boss or contractor, providing their own food and housing at work, and living apart from the employer, the regular white labor force, and the migratory white laborer. It has been estimated that Japanese and Chinese approximated 50 percent of the employees on the larger farms. The Japanese laborers were used chiefly in berries, citrus fruit, deciduous fruits, grapes, sugar beets, vegetables, and nursery products, performing the usual stereotyped hand operations. Data available for this period indicate that the Japanese were not often hired for periods of less than 1 week or more than a season. The Japanese were influential in bringing about a change in the payment of wages from a daily to a piece-rate basis. They avoided the time rates and insisted on payment for piece work because of their ability to excel in the "stoop" work characteristic of the principal operations in the intensively cultivated crops that grow on or close to the ground. Gradually the differential between wages of white and oriental labor disappeared or became insubstantial. Working first at lower wages than the whites, the Japanese succeeded in increasing their wages during the decade 1900–1910. After 1910 they operated on approximately the same basis as whites.

U.S. Congress, Senate, Subcommittee of the Committee on Education and Labor, *Report*, No. 1150, Violations of Free Speech and Rights of Labor, 77th Congress, 2nd Session (Washington, D.C.: Government Printing Office, 1942), Pt. 4, 238–39 [hereinafter cited as *La Follette Committee Report*].

productive land that others had little use for. Race prejudice built and fueled a movement to limit Japanese entry into the United States and to bar them from land ownership. In 1906, the federal government negotiated a gentlemen's agreement with Japan and in 1913 the California state legislature passed the Alien Land Law,<sup>3</sup> accomplishing in part each goal.

Virtually no outside organization, local, state, or national, championed the farm workers' cause, but among agriculturalists within the state a great debate was under way between advocates of the family farm and supporters of large-scale commercial farming. It is fascinating to note that throughout the nineteenth century and into the twentieth, agrarian idealists were responding vigorously to the self-serving "progressive" ideology of the bonanza wheat farmers and their ilk. In 1854, the forward-thinking editors of the *California Farmer* asserted,

California is destined to become a large grower of Cotton, Rice, Tobacco, Sugar, Tea, Coffee, and where shall the laborers be found? . . . The Chinese! And everything tends to this — those great walls of China are to be broken down and that population, educated, schooled, and drilled in the cultivation of these products, are to be to California what the African has been to the South. This is the decree of the Almighty, and man cannot stop it.<sup>4</sup>

In response, advocates of the Jeffersonian ideal of the family farm argued that such attitudes corrupted sacred American values. In speeches before the state Agricultural Society, agrarians supported a different image of American agriculture.

The safety and well being of society depends on the intelligence and comfort of the laboring classes. . . . They are the workers, and by their numbers, under our form of government, they are the ones who choose rulers and determine the destiny of the Republic. They cannot fulfill the duties of citizenship on the wages of peons or coolies. Their relation to the State demand[s] of them education and virtue, which are only to be expected of those who have the

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<sup>3</sup> The enforcement of the Alien Land Act drove many Japanese into the cities. Carey McWilliams *Factories in the Field* (Hamden: Archon Books, 1969), 116.

<sup>4</sup> Paul S. Taylor, "California Farm Labor: A Review," *Agricultural History* 42 (January 1968): 50.

means furnished by a fair share of the profits of capital in exchange for their labor and skill to bring education, comfort, and advancement within their reach. This has been the American theory. . . . It has fostered independence of labor; it has prevented class distinctions, it has been the parent of virtue, intelligence, and patriotism; it cannot be superseded and this country remain a Republic, where rights and benefits are reciprocal.<sup>5</sup>

Notwithstanding their opposition to the system that demeaned minorities, however, the rural traditionalists were frequently as racist as their “progressive” industrialist counterparts. In attacking large-scale commercial agriculture, they were attacking the influx of undesirable immigrants. As one prominent agrarian said, “I am not able to concur in the opinion that the immigration in large numbers of this people [the Chinese] is desirable. A slower growth of a community, with the elements in it only of Christian civilization, seems to me far preferable to rapid development by an alien, heathen population. Would not 25 stalwart German or Scandinavian emigrants, with their families, be better for the real interests of the State than the whole Chinese population of [Sacramento]?”<sup>6</sup> Notwithstanding their racial and religious preferences, agrarian idealists did wage a strong campaign against bigness and commercialism. As late as 1891, the president of the state Agricultural Society used the Society’s convention as a forum for attacking the big commercial farms. As it turned out, though, the growing economic preeminence of the industrial farms was just too great. Industrial agriculture was highly profitable and thus attractive. The idealism of the agrarian traditionalists lost out to rural industrialization.

Before the Progressive Era, then, there was indigenous opposition to industrial farming and the labor system it depended on, and at least one group, the Japanese, had developed effective labor associations. Neither proved sufficient to upgrade the position of the farm laborer.

Between 1908 and 1917, urban industrial unemployment forced significant numbers of whites into the agricultural labor pool and for the first time the labor movement took an interest in farm workers. This

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<sup>5</sup> Quoted in Cletus E. Daniel, *Bitter Harvest* (Ithaca and London: Cornell University Press, 1981), 30.

<sup>6</sup> Quoted in Daniel, *Bitter Harvest*, 29–30.



phenomenon marks a second period in the history of outside involvement in the plight of the California farm worker. The labor organizations that took an interest in farm workers were the American Federation of Labor (AFL) and the International Workers of the World (IWW), known as the Wobblies. In 1903 the Central Labor Council of Los Angeles, AFL, passed a resolution calling for an organizing effort among migrant farm workers in California. According to the resolution, the drive was to be conducted without regard to race or nationality. It was quite apparent, however, that the AFL was neither a champion of farm workers nor an advocate of racial tolerance. What the AFL really wanted was to protect its urban organizing efforts. The AFL did not want impoverished, seasonally unemployed farm workers scabbing on industrial workers in the cities. The task of organizing farm workers was delegated to the California State Federation of Labor and its executive council — cautious, aristocratic, “racially fastidious” men keenly interested in friendly relations with farm owners. J. B. Dale, the man assigned the task of unionizing farm workers, did not even take his campaign into the farming regions, and in 1916 the AFL abandoned its interest in farm workers entirely.<sup>7</sup>

Unlike the AFL, the IWW did have a keen interest in farm workers; not because they were farm workers, however, but because they were such a good example of the callous exploitation of workers under a capitalist system. The Wobblies were issue-oriented, class-conscious missionaries. As a result, they got involved in an effort to establish their own right to free speech. Organizing got short shrift. The free speech issue came to a head in Fresno in 1910–1911 during the trial of a well publicized court case. The leftist ideology of the IWW evoked an extreme reaction.

Outside the courtroom a variety of repressive and violent tactics were used against the Wobblies by police and vigilantes, but the struggle ended with a compromise providing for limited free speech for the IWW. Meanwhile, the Wobbly campaign on behalf of farm workers had foundered. By the time they recovered from the decimating free speech fight and reoriented their tactics, it was too late. Their symbolic and practical achievements were overshadowed by their opposition to World War I and

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<sup>7</sup> Harry Schwartz, “Organizational Problems of Agricultural Labor Unions,” *Journal of Farm Economics* 8, no. 2 (May 1941): 456–66; Henry William Spiegel, “Trade Unions in Agriculture,” *Rural Sociology* 6 (June 1941): 117–25.

resultant prosecution under the Federal Espionage Act and state syndicalist laws passed during the war years. The Wobblies attempted a comeback during the 1920s, but were never again a potent force in farm labor organizing.<sup>8</sup> These incidents were the first in a pattern that would become evident later on: the mainstream of the labor movement took little interest in farm workers, leaving the field to leftists whose ideological views, rather than group identification, drew them to the farm workers' cause.

The agricultural labor movement, such as it was, had collapsed, but progressivism was on the march. Interestingly, the Progressive coalition in California included a not insignificant number of farm employers, traditionalist agrarian holdovers. In 1914, when the coalition initiated a proposal for an eight-hour workday, farm owners organized a Farmers' Protective League to oppose it. They had little difficulty defeating the proposal, but one incident gave farm owners considerable difficulty, and Progressives leverage. In August, 1913, E. B. Durst, a hop grower, advertised in newspapers throughout California and Nevada for 2,700 farm workers to come to his ranch in Wheatland, California, to work the harvest. In reality, Durst needed only 1,500 workers. Twenty-eight hundred people responded to his ads. Half of them were aliens. Twenty-seven different nationalities were reported among 235 men in one work gang alone. Seven interpreters were needed to communicate with the workers. Those who could not obtain work were destitute, unable to move on, and overcrowded the makeshift labor camp set up to house those who were employed. Durst rented tents to the migrants for 75 cents a week. He prevented local merchants from making deliveries to the camp and in so doing forced the migrants to buy groceries and other necessities at the company store owned, of course, by Durst. Durst provided only nine outdoor toilets for the 2,800 residents of his labor camp and drinking water was not allowed in the fields. Instead, Durst's cousin sold lemonade there for five cents a glass. Another of Durst's relatives owned and operated a lunchtime "stew wagon." A veteran Wobly organizer, Richard "Blackie" Ford, was present in Durst's Wheatland labor camp that August. He called a meeting in the workers' camp to protest conditions there and to call for a strike. At the meeting, attended by

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<sup>8</sup> Schwartz, "Organizational Problems of Agricultural Labor Unions," 456; Sidney C. Sufrin, "Labor Organizations in Agricultural America, 1930-1935," *American Journal of Sociology* 43, no. 4 (January 1938): 549-50.

virtually everyone in the camp, Ford held a sick baby up to the crowd and shouted, "It's for the kids we are doing this." With that, sheriff's deputies waded into the crowd, one of them fired a shot to "quiet the mob," and a riot ensued. A district attorney, a deputy sheriff, and two workers were killed. The National Guard was called out, and all over California Wobblies were arrested. Ford and another Wobbly organizer, Herman Suhr, were arrested, convicted of murder, and sentenced to life imprisonment.<sup>9</sup>

In response, Hiram Johnson, political Progressive and governor of California, created a Commission on Immigration and Housing to investigate the causes of the Wheatland Riot. The chairman of the committee was Simon Lubin; the executive secretary, Carleton Parker. Both men fought hard to force agricultural employers to upgrade conditions on their farms. Lubin and Parker won some concessions, but had to compromise on what they considered minimum acceptable standards. Another Progressive commission, the Commission on Land Colonization and Rural Credits, was created in 1915. Members Harris Weinstock, Chester Rowell, and Elwood Mead led the committee, which issued a report the following year condemning industrial agriculture and calling for a democratization of the farm system. Acting on the Weinstock–Rowell–Mead recommendation, the state legislature allocated funds for two settlement projects, one in Durham, California, the other in Delhi. As time went on, however, these experiments in democracy failed due to administrative ineptness, poor funding, and an increasingly hostile social and political climate.<sup>10</sup> Another effort to reform the farm labor system was sponsored by agrarian reformers, a tax bill aimed at breaking up the large farms. But it was twice defeated when it came before the state legislature in 1916 and 1918.<sup>11</sup>

Progressives certainly generated publicity for the farm workers' cause — publicity associated with legitimate institutions and sober and restrained methods of protest. And Progressive reformers Lubin and Parker

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<sup>9</sup> Carleton H. Parker, *The Casual Laborer and Other Essays* (New York: Russell and Russell, 1967), 1–199; *La Follette Committee Report*, Pt. 4, 243–47.

<sup>10</sup> California State Assembly, "Report on Land Colonization and Rural Credits," November 29, 1916; McWilliams, *Factories in the Field*, 200–10; *La Follette Committee Report*, Pt. 4, 247–54.

<sup>11</sup> George E. Mowry, *The California Progressives* (Berkeley: University of California Press, 1951), 86–104; Spencer C. Olin, Jr., *California's Prodigal Sons: Hiram Johnson and the Progressives, 1911–1917* (Berkeley: University of California Press, 1968).

asserted an image of the industrial agricultural workplace that challenged the profound prejudices so common among farm owners and others in the nineteenth century. Their new ideology claimed that industrial working conditions breed psychological pathology; that the individual farm worker should not be held personally responsible for the conditions of his life. Parker wrote, for example, "As a class, the migratory laborers are nothing more or less than the finished products of their environment. They should therefore never be studied as isolated revolutionaries, but rather as, on the whole, tragic symptoms of a sick social order."<sup>12</sup> Neither Lubin nor Parker, however, and indeed none of the Progressives, were in favor of trade unionism. They vigorously opposed solutions which proposed to change the existing structures of economic and political power. Lubin and Parker's Commission on Immigration and Housing, in fact, supplied the Justice Department with the information it needed to crack down on the Wobblies at the time of the First World War.<sup>13</sup>

By 1927, the reformist energy of Hiram Johnson's tenure as governor had been spent. That year the state government was reorganized in accord with conservative interests. In the Johnson years, a significant change in the composition of the farm labor market had taken place. During the First World War, farm owners had claimed acute labor shortages, and under the banner of patriotism extraordinary measures were taken to assure that the crops would be harvested. Urban workers, women, and children (mostly teenagers) volunteered for field work. Mexican nationals were also used extensively. It was during this period that Mexicans began immigrating in large numbers, as did smaller numbers of Filipinos. Most of the Filipinos who immigrated were single males, since families were not then permitted to enter the United States. After the war, Mexican immigration supplemented by 30,000 Filipinos became the major source of supply. During the 1930s, however, 1,250,000 destitute white workers came to California to

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<sup>12</sup> Parker, *The Casual Laborer and Other Essays*, 88.

<sup>13</sup> U.S. Congress, Senate, Subcommittee of the Committee on Education and Labor, *Hearings* pursuant to S. Res. 266, A Resolution to Investigate Violations of the Right of Free Speech and Assembly and Interference with the Right of Labor to Organize and Bargain Collectively, 76th Congress, 2nd Session (Washington, D.C.: Government Printing Office, 1940), Pt. 59, exhibit 9371, 21887-919 [hereinafter cited as *La Follette Committee Hearings*]; Melvyn Dubofsky, *We Shall Be All: A History of the IWW* (Chicago: Quadrangle Books, 1969), 445-68.

escape the drought in Texas, Arkansas, Oklahoma, and other southwestern states. Many entered the farm labor pool. These “dust bowl” refugees gained widespread attention though their migration was not as great as the non-white immigration in the 1920s, or for that matter, the 1940s.<sup>14</sup>

The early and mid-1920s were quiet, though, despite inflammatory conditions. World War I had created an enormous worldwide demand for American foodstuffs that carried farmers to their highest peak of prosperity. But in 1920 an inevitable slump began. Millions of soldiers in Europe and elsewhere in the world returned to their farms, and soon world overproduction of farm crops sent prices rapidly downward. The result was that farm income dropped from \$10 billion in 1919 to \$4 billion in 1921. There was some recovery afterward to about six or seven billion in the later 1920s, but the farm depression lasted until the middle 1930s.<sup>15</sup> Across the country, big business was in ascendance. Banks, utilities, railroads, and food processors expanded into farming, and farmers, in a burst of energy, sought to rationalize and control the price of farm goods and the agricultural labor market by stepping up the organization of cooperative associations and labor bureaus. The largest and most effective of the farm labor bureaus was the San Joaquin Valley Agricultural Labor Bureau organized in 1926.<sup>16</sup> Meanwhile, Mexican farm workers, particularly in Southern California, were developing organizations of their own. In various ways the Mexican government gave official sanction to these “mutual aid societies” and to more broadly based workers’ unions established by Mexican farm laborers. The Mexican vice consul at Calexico, Carlos Ariza, for example, supported the founding of the Workers Union of the Imperial Valley (La Union de Trabajadores del Valle Imperial). The Workers Union recruited 1,200 workers and in 1928 participated in a melon strike, but the strike was unplanned and poorly led and consequently

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<sup>14</sup> McWilliams, *Factories in the Field*, 103–33.

<sup>15</sup> “[O]ne fourth of all farms in California in the years 1930 to 1939 were lost by owners who were unable to meet debt and tax charges.” *La Follette Committee Report*, Pt. 4, 289.

<sup>16</sup> In 1942, the LaFollette Committee reported that the Agricultural Labor Bureau of the San Joaquin Valley had labor and set the wage rate for 30,000 workers in the cotton industry, many thousands in the grape industry, and hundreds in the other fruit crops in the valley. *La Follette Committee Report*, Pt. 4, 409.

failed. Available statistics indicate a sudden rise in union activity in 1930, reaching a peak in 1933.<sup>17</sup>

Widespread disturbances and spontaneous, short-lived strikes in Southern California attracted the attention of the Communist Party, marking a third period in the history of outside involvement in California farm labor issues. The strike that drew the Party in occurred on January 1, 1930, when a group of Mexican and Filipino lettuce pickers, disgusted with their wages and working conditions, walked off the job at several farms in the vicinity of Brawley in the Imperial Valley. This spontaneous act generated a full-fledged strike among 5,000 workers in the valley. Since most of the workers were Mexican and no leader emerged among the strikers, the Mexican Mutual Aid Society of the Imperial Valley, successor to the Workers Union of the Imperial Valley, was pushed into leading the strike. Ironically, communist organizers first heard of the strike by reading the *Los Angeles Times*, “the most staunchly antilabor, antiradical newspaper in the state” at the time. The Trade Union Unity League of Los Angeles (TUUL), an arm of the Communist Party, sent three organizers to the area. For several days Frank Waldron, Harry Harvey, and Tsuji Horiuchi kept a low profile, but after some preliminary work they established a branch of the Communist Party’s Agricultural Workers Industrial League (AWIL) and announced their presence with handbills and leaflets setting forth demands and calling for farm workers to join them. Almost immediately, they were arrested, charged with vagrancy, jailed, and roughed up. This violation of the organizers’ civil liberties provoked attention from the Southern California American Civil Liberties Union (ACLU) and, of course, from the International Labor Defense (ILD), the legal rights and propaganda arm of the Communist Party.<sup>18</sup>

Representatives of the ACLU went to the sheriff’s office in Brawley, California, to protest the situation:

Before the Reverend Clinton J. Taft and his associates had even finished voicing their protest, Sheriff Gillett was on his feet, punching, kicking, and shoving the two men through the door of his office

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<sup>17</sup> Charles Wollenberg, “Huelga, 1928 Style: The Imperial Valley Cantaloupe Workers’ Strike,” *Pacific Historical Review* 38 (February 1969): 45–58.

<sup>18</sup> Daniel, *Bitter Harvest*, 105–40; McWilliams, *Factories in the Field*, 213–19; *La Follette Committee Report*, Pt. 4, 210–17.

and out into the street, where he continued to vent his rage, cursing his terrified victims and challenging them to slug it out with him. In describing the encounter several days later, Taft readily conceded that Gillett's office "richly merits the description which he himself has given it on the upper left hand corner of his official envelopes: "The lowest-down sheriff's office in the world [57 feet below sea level].'"<sup>19</sup>

The ACLU publicized the incident, but failed to free the men, though the ILD did manage to get them out on bail. Meanwhile, the strike was still on. Local authorities monitored all communication coming into the valley and thus managed to track the strikers' movements and prevent food, money, and other support from reaching them. The Mexican Mutual Aid Society cooperated with local officials to wreck the AWIL, and Mexican officials friendly to the growers began recruiting Mexican immigrants to fill the strikers' jobs. The strike collapsed. The Imperial County district attorney, Elmer Heald, with the help of Los Angeles Police Captain William Hynes and his "Red Squad," used the criminal syndicalism laws to go after strike leaders. They engaged three labor spies "to get the goods on them."<sup>20</sup> A roundup of AWIL members and militant farm workers ensued and some of the arrested were selected to stand trial in El Centro.

To members of the jury, whose individual economic well-being was inextricably bound in one degree or another to the agricultural economy of the valley, and thus to the major growers in the region, it mattered little in the end whether the suppression of the AWIL and its agents was a product of crass economic self-interest or of genuine patriotism [i.e., anti-communism]. As their verdict would attest, jury members believed that the strikebreaking scheme hatched by employers and local authorities was fully justified as an act of self-preservation against upsetting ideas carried by men who were "outsiders" literally as well as figuratively. In

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<sup>19</sup> Frank Spector, *Story of the Imperial Valley* (New York: International Labor Defense, 1930), 18; also see testimony of Elmer E. Heald, *La Follette Committee Hearings*, Pt. 55, 20172–200.

<sup>20</sup> *La Follette Committee Hearings*, "Documents relating to the Intelligence Bureau or Red Squad of the LA Police Department," Pt. 64, 23507–17.



testimony before a congressional hearing some months after the trial, District Attorney Heald noted that the fundamental objection of valley citizens to the El Centro defendants was that they were “*not only not residents of [the] valley, but not a single one of them ever had a job in Imperial County, ever worked there, never did a day’s work — not a single one of them ever did a day’s work in Imperial County.*”<sup>21</sup>

The defendants were convicted of all charges against them, many of which had been trumped up.<sup>22</sup> Given the political climate of the courtroom, the defendants’ insistence on “hewing the Communist line” hurt them, but it is hard to know what might have helped, for as Hugh T. Osborne, a member of the Imperial County Board of Supervisors, and Charles E. Nice, the county indigent commissioner and secretary of the Brawley Chamber of Commerce, made abundantly clear, the major concern of the locals was to break any potentially successful unionization effort.<sup>23</sup>

Liberals and leftists in San Francisco and Los Angeles protested local official handling of the strike and the trial for years, but the result of all the controversy was a sharpening of the differences between the ACLU and the ILD as the former sought to defend the civil liberties of the strikers while the latter pursued agitation and propaganda.

After the El Centro trial, the AWIL changed its name to the Agricultural Workers Industrial Union (AWIU) and later to the Cannery and Agricultural Workers Industrial Union (CAWIU) when it joined a small independent union, the American Labor Union, on strike in Santa Clara. The Santa Clara cannery strike, involving 2,000 workers, was forcibly broken by the cannery’s owners.<sup>24</sup> This, and other spontaneous strikes that were aided by the CAWIU and failed, led to a precipitous decline in CAWIU membership. But the communist organization was to have new life breathed into it by a young man “exiled” to the West by powerful older men jealous of his talents and offended by his brashness, determination, and success.

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<sup>21</sup> Quoted in Daniel, *Bitter Harvest*, 124 (emphasis added).

<sup>22</sup> George H. Shoad, “Imperial Valley Outrage,” *Open Forum* (June 5, 1930).

<sup>23</sup> See the testimony of Hugh T. Osborne, *La Follette Committee Hearings*, Pt. 55, 20164, and that of Charles E. Nice, *ibid.*, 20180.

<sup>24</sup> *La Follette Committee Report*, Pt. 4, 435–38.



In 1930, Samuel Adams Darcy was made Communist Party district organizer for the states of California, Nevada, and Arizona. Darcy had no experience working with farm laborers, but his astuteness and gift for organizing led him to believe that highly personal, bread-and-butter issues, grass roots organizers, careful planning, and efficient preparation were essential to a farm labor organizing drive. Darcy put his ideas forth at a meeting of District members in July, 1932. In the months following, CAWIU activists concentrated their efforts in the agricultural valleys around San Jose and worked hard to orchestrate rather than simply react to farm labor unrest.<sup>25</sup> After careful preparation, the CAWIU backed a strike at the fruit ranch of one of Vacaville's leading citizens, Frank H. Buck.

Buck had just been elected to Congress on the Democratic ticket headed by Franklin Delano Roosevelt. Before his election, Buck had announced that he would pay workers \$1.40 for an eight-hour day for work in his orchards, and that if elected he would raise wages even higher. On November 8th, Buck was elected. On November 14th he dropped his workers' wages to \$1.25 for a nine-hour day. In response to Buck's treachery, 400 Mexican, Filipino, Japanese, and Anglo tree pruners walked off their jobs and set up picket lines. One hundred and twenty-five of these men were signed with the CAWIU. The action spread.

Growers in the area set out to break the strike. The mayor of Vacaville, himself a grower, coordinated efforts between orchardists and local officials. In the court of public opinion, the CAWIU was charged with sabotage and generally defamed. Anti-communist rallies were held and local vigilantes actually kidnapped several strike leaders from jail, beat them, cut their hair, slopped them with red paint, threatened their lives, and ordered them out of town. As threats and violence increased, the picket lines came more and more to be manned by women and children. It was hoped that Vacaville's aroused citizens would be less likely to beat women and children than to beat men. Visiting AFL officials from the Sacramento Federated Trades Council lent public support to the growers.<sup>26</sup> After two months, the strike was broken, but the CAWIU had demonstrated staying power and its leaders had learned several valuable lessons. They had

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<sup>25</sup> Ibid., Pt. 4, 208–17.

<sup>26</sup> Daniel, *Bitter Harvest*, 138.

learned not to call a strike during the off-season when growers are not threatened with the immediate loss of their crop. They learned to rely on the permanent and semi-permanent farm worker residents of a community rather than the apparently more militant migrants to sustain a strike. And they learned that organization in support of workers smarting from callous and unjust treatment could generate remarkable persistence.

Tactically, then, the communists were well positioned to begin again. By 1933 the communists under Sam Darcy had become accomplished organizers. The year 1933 has been called “The Great Upheaval” because labor unrest, strikes, anti-strike activity, and violence were widespread. In 1933 the CAWIU was in the forefront of farm labor organizing, not because its ideology was ultimately persuasive, but because it was the only organization with the leadership, structure, strategy, and persistence to maintain a continuing presence in the face of overwhelming odds.

The Mexicans, who were the majority of farm workers in 1933, were notably unpersuaded by communist rhetoric, as the following example will illustrate. In 1933 a berry pickers strike initiated by the CAWIU in El Monte in the San Gabriel Valley pitted Mexican farm workers against Japanese growers leasing roughly 700 acres from various white landowners. The Japanese were successful in bringing in scab labor, but were willing to negotiate with the Mexican strikers anyway. In an unusual move, they offered a significant wage increase and official recognition to the CAWIU. The Mexican workers did not like the CAWIU. Despite what appeared to be a major victory for the union — the extraordinarily generous terms offered by the Japanese — fewer than 10 percent of the strikers joined the CAWIU. The growers’ offer encouraged Mexican members of the strike committee to break away from the CAWIU, and with the help of consular officials, they formed the *Confederación de Uniones de Campesinos y Obreros Mexicanos* (CUCOM). Mexican farm workers, given the opportunity, repudiated the CAWIU in preference for their own ethnic-based union. Local authorities used the split between the CAWIU and the CUCOM to get rid of the CAWIU, but when the CUCOM settled with the Japanese growers, there was little benefit to be derived because the Japanese refused to fire their “scabs.”<sup>27</sup>

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<sup>27</sup> *La Follette Committee Hearings*, Pt. 62, exhibit 9576, 22536, and Pt. 53, exhibit 8751, 19693–96.

Nonetheless, it was the CAWIU that spearheaded the big organizing push in 1933. District Chief Darcy appointed Pat Chambers to lead the organizing drive. When Captain Hynes got wind of Chambers' activities, he wrote to Imperial Valley authorities warning them to be on the lookout for him. Judge Von Thompson, presiding judge at the El Centro trial and one of a number of officials to respond to the warning, wrote back to inform Hynes that Imperial Valley law enforcement officials were conferring "for the purpose of meeting the proposed activities and taking care of Mr. Pat Chambers in the proper way."<sup>28</sup> Chambers and active CAWIU organizers were indeed harassed and defeated by law enforcement officials, but they scored some victories, too.

All in all, the CAWIU had been orderly, nonviolent, and remarkably successful in gaining wage increases, but made little headway in the direction of union recognition and collective bargaining rights. In early September, however, the fortunes of the CAWIU began to turn. A poorly planned strike among grape pickers in the San Joaquin Valley near Fresno ended amid mounting arrests and incidents of intimidation and physical assaults.<sup>29</sup> A grape strike in the Lodi area was halted by vigilantes.<sup>30</sup>

The greatest single confrontation between farm workers and farm owners in California that year, or any other for that matter, took place "in the cotton" in the lower San Joaquin Valley.<sup>31</sup> The cotton strike is particularly significant for the light it sheds on the relationship between private local authority and public state and federal authority. In 1933, 75 percent of the agricultural work force was Mexican. There was a huge cotton surplus in the summer of 1933 and another bumper crop was expected. This made growers very uneasy. Nevertheless, commodity prices had actually increased slightly due in large measure to the Agricultural Adjustment Act (AAA). The Agricultural Labor Bureau of the San Joaquin Valley met and

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<sup>28</sup> Ibid., Pt. 64, exhibit 10411, 23640–41.

<sup>29</sup> Stuart Jamieson, *Labor Unionism in American Agriculture*, U.S. Bureau of Labor Statistics Bulletin no. 836 (Washington, D.C.: Government Printing Office, 1945), 8–21.

<sup>30</sup> Ibid.

<sup>31</sup> Daniel, *Bitter Harvest*, 75; Jamieson, *Labor Unionism in American Agriculture*, 8–21, 30–42; *La Follette Committee Hearings*, Pt. 54, 19899–20036; *La Follette Committee Report*, Pt. 3, 332–43; Pt. 62, exhibits 9574 and 9575, 22513–31; McWilliams, *Factories in the Field*, 211–29; Paul S. Taylor and Clark Kerr, "Uprisings on the Farms," *Survey Graphic* 24, no. 1, January 1935, 19–22.

set the price of wages. The piece rate for picking cotton was to be 60 cents per hundred pounds. The CAWIU planned to agitate for higher wages for cotton pickers and sought the help of well-known liberals, Lincoln Steffens and Rabbi Irving Reichert of the State Recovery Board. Rabbi Reichert's appeal to Governor James Rolph met with silence. A strike was called on October 4th. Growers responded immediately with force and violence. On October 5th, seventy-five growers participated in the eviction of strikers and their families from labor housing in and around Corcoran. Local police officials also joined in the illegal action — eviction from grower-owned housing without sufficient notice was against the law — and spelled out in words as well as deeds just how they understood their public responsibilities. As Kings County District Attorney Clarence Wilson said, "The sheriff and I told the growers not to worry much about the pickers' rights anyway. . . . [W]e could control the strikers because they didn't amount to anything and couldn't even vote, but the growers were well known and had lots of influence and we were much more afraid we couldn't control them."<sup>32</sup> Or as an undersheriff in Kern County said, "We protect farmers out here in Kern County. They are our best people. They are always with us. They keep this country going. They put us in here and they can put us out again, so we serve them."<sup>33</sup>

In Tulare, Kings, and Kern Counties, finance and ginning companies, chambers of commerce, the Farm Bureau, and the largest growers in the area advocated the formation of farmers' protective associations to drive the CAWIU out, and growers threatened to boycott any valley merchant who sold food to the hungry strikers and their families.

There was a public outcry against such tactics and a strengthening of the strikers' will to resist. By October 9th, approximately 12,000 workers were on strike in the three counties mentioned. State officials were critical of growers for refusing to negotiate with the CAWIU. On October 10th, forty armed growers came upon a meeting of strikers in Pixley. Pat Chambers, who was conducting the meeting, sensed danger and quickly disbanded the group, instructing the men, women, and children in attendance to move across the street to union headquarters. Eyewitness

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<sup>32</sup> Quoted in Daniel, *Bitter Harvest*, 182.

<sup>33</sup> Peter Matthiessen, "Organizer: Profile of Cesar Chavez," Part 1, *The New Yorker*, June 21, 1969, 42–85.

accounts confirm the following sequence of events. One of the growers fired his gun. A striker grabbed the barrel of the gun and pushed it down. Another grower then beat that striker to the ground and the first grower shot the striker to death. With that, the rest of the growers opened up on the crowd of strikers and continued firing until they had no more ammunition left. All this took place with a group of highway patrolmen and sheriff's deputies standing by watching. Unimpeded, the growers got into their trucks and drove off. Only then did the policemen set out after them. The police caught up with the growers, stopped them, collected a few of their guns and then allowed them to go on. Two strikers were killed in the melee and eight were wounded, including one woman.<sup>34</sup>

Another violent incident occurred on October 11th near Arvin. During a fight that pitted growers using gun butts against strikers with grape stakes, a shot was fired and a Mexican worker fell dead. With that, growers started using the other end of their guns. A deputy sheriff threw tear-gas into the crowd and broke up the riot. Growers claimed that a striker perched in a tree nearby had fired the shot that killed the worker. Police arrested several strikers on murder charges and others for rioting. The charges, however, had to be dismissed when an investigation revealed that no striker had had a gun in his possession.<sup>35</sup>

These two incidents in particular incensed public opinion. A variety of outsiders came into the area as a result: state and federal mediators, highway patrolmen, investigators, protest delegations, relief officials, and an honorary representative of the Mexican government, Enrique Bravo. On the other hand, locals prepared to handle the situation themselves. In Kern County, on October 13th alone, 600 permits were issued to growers allowing them to carry concealed weapons. Outside pressure did force Tulare County officials to take action against growers involved in the Pixley killings, however. Eight growers were arrested for their part in the incident. But, "[a]uthorities sought to mollify employers who were angered over the arrests by arresting Pat Chambers at the same time on a charge of criminal syndicalism. In keeping with the bizarre character of justice in the region, the criminal complaint leading to Chambers' arrest was lodged by another

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<sup>34</sup> Miriam Allen deFord, "Blood-Stained Cotton in California," *The Nation*, December 20, 1933, 705.

<sup>35</sup> McWilliams, *Factories in the Field*, 221–22.

of the growers who had taken part in the Pixley attack.”<sup>36</sup> Governor Rolph increased the number of highway patrolmen in the area and reminded valley officials that the rule of law would be upheld, but turned down a request for a special prosecutor, asserting that local officials could handle things. He did, however, instruct the State Emergency Relief Administration to provide relief to the strikers and their families.

The incidents at Pixley and Arvin had increased the militance of the workers and actually strengthened the strike. The CAWIU had responded to grower violence with restraint and consequently had won an unaccustomed measure of respect from the public. With the public engaged, the issue of the strike would not die. The federal government was forced to step in to try to settle things, marking a fourth phase in the history of outside involvement.

The New Deal was a watershed for the labor movement in America and yet farm workers were excluded from the benefits bestowed on labor in the 1930s. The Roosevelt Administration’s response to the cotton strike explains why, at least in part. As Cletus Daniel argues in his history of California farm workers, the most serious difficulty New Dealers had in addressing the problems of labor in California agriculture was philosophical. They took a rational, paternalistic, and fundamentally anti-union attitude.

The approach that New Deal brain trusters first chose to effect changes favorable to labor . . . reflected a fundamental antiunion bias. Theirs was clearly not the selfish and defensive antiunionism of most American employers, but an aversion based on a shared conviction that the class conflict that had necessitated unions was neither an inevitable nor a natural by-product of the capitalist system. Once capitalism had been purged of those exploitative features spawned by unconstrained economic individualism and infused with the ethic of the national welfare, the New Dealers argued, industrial conflict would disappear, and with it the need for strong unions. Franklin Roosevelt had first embraced this vision of a conflict-free capitalist economy during the Progressive era, and it remained with him as he assumed the presidency. In his clearest exposition of this theme, Roosevelt said, “There is no such

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<sup>36</sup> Daniel, *Bitter Harvest*, 201–2.

thing as a struggle between labor and capital. Not only is there no struggle, but there is and has always been the heartiest cooperation for neither can capital exist without the cooperation of labor, nor labor without the cooperation of capital. Therefore, I say there is no struggle between the two, not even a dividing line.”<sup>37</sup>

The representative of the Roosevelt Administration who took charge of the cotton strike situation was George Creel. Creel had been given responsibility for implementing the Recovery Act in California. He was in favor of organization but opposed to “self-interest” and “militancy.” Together with proponents of the National Recovery Act (NRA), he preached cooperation, while the CAWIU resolved “to develop struggles in every cannery, on every ranch.”<sup>38</sup> Like so many other New Dealers, including Roosevelt himself, Creel was not only paternalistic, but authoritarian as well. As the cotton strike continued, with Governor Rolph and state government officials failing to intervene decisively, Creel saw his chance to become the architect of a New Deal for California agriculture, and took it. He had no legal authority to step in, since the agricultural workers had been excluded from the application of the National Industrial Relations Act, but that did not matter to Creel.

He not only ignored the fact that the law did not apply to agricultural workers, but also ignored an administration decision in late September which transferred responsibility for the settlement of industrial disputes from the NRA to the newly created National Labor Board. . . . To overcome the extreme intransigence of both parties to the dispute, Creel . . . , always with dubious authority, [used] every imaginable level of federal power and influence.<sup>39</sup>

Creel applied as much pressure to each side and to influential third parties as he could manufacture. Creel maneuvered Rolph into creating a fact-finding commission staffed by Catholic Archbishop Edward J. Hanna of San Francisco, Tully C. Knowles, president of the College of the Pacific, and University of California labor economist Ira Cross, with Norman Thomas as an observer. Meanwhile, pressure that he had directed against

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<sup>37</sup> Ibid., 168.

<sup>38</sup> *La Follette Committee Hearings*, Pt. 54, 19965–66.

<sup>39</sup> Daniel, *Bitter Harvest*, 204.



strikers — making relief conditional upon a return to work — backfired when several children of striking cotton pickers died of malnutrition. Relief was reinstated.

At public hearings before the fact-finding commission, the two sides confronted each other with a parade of witnesses who simply confirmed the previous positions of workers on the one hand and owners on the other. Strikers claimed that the wage of 60 cents per hundred pounds was too low to sustain them at even a minimal level of decency, while growers claimed it could and moreover that 60 cents was all they were able to pay. Creel consulted with officials of the bank financing the cotton crop and got the word that 75 cents per hundred pounds was the highest piece rate cotton growers could adopt and still make a profit, and this is what the fact-finding commission approved. Union recognition was not endorsed. The growers had “consented” to creation of the commission on condition that they did not have to approve the commission’s findings nor accept its recommendations. Once the recommendation on wages was made, however, Creel regarded it as binding. Growers and strikers both denounced the wage rate — for opposite reasons, of course — but Creel set out to force both parties to accept it. He threatened growers with exclusion from New Deal farm programs and strikers with removal from relief. By October 26th, both sides capitulated to the commission’s “recommendation.” Thus was the cotton strike resolved. Both sides felt that the federal government had been the real winner. Growers were especially angry with the outside interference in their affairs.

Less than a week after the cotton strike ended, Creel was in contact with citrus growers in Tulare County advising them how they might rationalize their labor policy in order to defeat unionism in the region. . . . Had the cotton growers practiced a more enlightened policy toward their workers, he insisted, it would have been impossible for “a small group of agitators to come in from the outside and win workers away from . . . employers.”<sup>40</sup>

Creel’s efforts to help growers keep outside agitators out were not appreciated. He, too, was considered an outsider. To Creel, collective bargaining meant government paternalism and, if necessary, authoritarian

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<sup>40</sup> Ibid., 217.



imposition of “rational” and “fair” standards. After the cotton strike, the leaders of both sides understood this and bitterly resented it.

Of the thirty-seven agricultural strikes reported in California during 1933, twenty-four were led by the CAWIU. Of the 47,575 farm workers involved in these strikes, 37,550, or 79 percent, were under CAWIU leadership. And, of the total number of workers who struck under the union’s auspices, 32,800 won higher wages. Only four CAWIU strikes, affecting 4,750 workers, ended in failure.<sup>41</sup> But the union was not in good shape at the end of the 1933 harvest. In October, the CAWIU had 12,000 determined supporters in the San Joaquin Valley. By mid-November it was virtually defunct in the area. New Deal labor policies may have done more to wreck the strike than growers. Growers, however, had realized that federal officials had no legal basis for intervening in farm labor relations and began to close ranks to keep the federal government out. Wages began to rise, ever so slowly, cutting into the rationale for labor militance, and it became clear that the Roosevelt Administration was not willing to risk a hardline policy with growers to have its rational paternalism prevail. The workers were exhausted and beaten down by the long strike. Growers elsewhere took their cue from the cotton strike and mobilized against union activity, employing new tactics as well as old.

In Los Angeles, Riverside, and San Bernardino Counties, an area threatened by a citrus strike, growers got anti-picketing ordinances passed, together with bans on the distribution of union literature, and they contacted local Roman Catholic priests in predominantly Mexican neighborhoods to get them to warn their parishioners against communist-inspired disruptions. Growers also raised wages to 25 cents an hour — the rate established by successful union action elsewhere. The citrus campaign barely got off the ground, so CAWIU activists returned to the Imperial Valley where they were again met with unrestrained physical abuse and arbitrary arrest after announcing a lettuce strike on January 8, 1934. In the physical confrontations that followed,

representatives of the Los Angeles Regional Labor Board and the State Labor Commissioner were ‘detained’ by valley authorities

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<sup>41</sup> Schwartz, “Organizational Problems of Agricultural Labor Unions,” 456–66; Sufrin, “Labor Organizations in Agricultural America,” 549–50.

and subjected to hostile treatment. In reports to their superiors, the two men told of being confronted by a captain of the state highway patrol who warned in a threatening tone, 'You men should get out of here. You are hurting our work. We don't want conciliation. We know how to handle these people, and where we find trouble makers we'll drive them out, if we have to *sap* them.'"<sup>42</sup>

Growers had a lock on the area. The sheriff and undersheriff of Imperial County were growers. The police chiefs of Brawley and El Centro were growers. And the captain of the Highway Patrol in the valley was a grower, as was Brawley's justice of the peace. Farm workers were denied the right to picket or even to assemble. When ACLU lawyer A. L. Wirin, who had secured an order in San Diego Federal District Court enjoining interference with a workers' meeting planned for January 23rd, appeared in the valley, he was abducted by a group of vigilantes, beaten, robbed, and left barefoot in the desert. When he got back to El Centro, he was greeted by a mob of 300 armed vigilantes and escorted out of town.<sup>43</sup>

Reaction was strong. After all, a federal court order had apparently been violated. The Justice Department, however, took the position that technically, the court order had not been violated since Wirin, the principal speaker for the meeting, had been abducted before the meeting began. There had been, according to the Department of Justice, no interference with the meeting itself. The National Labor Board was spurred to action, however. Campbell McCulloch of the Los Angeles Regional Labor Board took the position that peace in the valley would not be achieved until there was binding arbitration of labor disputes. On January 26th, Senator Robert Wagner announced that the National Labor Board would launch an inquiry into the Imperial Valley situation. McCulloch was instrumental in getting Wagner to act. An exceptionally knowledgeable committee was assembled, studied the situation, and in very short order submitted its report and recommendations. The report was remarkable. It recommended that immediate action be taken to safeguard the civil liberties of the workers; that health, education, and housing programs be developed to assist agricultural workers; that subsistence farms and gardens be created to

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<sup>42</sup> *La Follette Committee Hearings*, Pt. 54, exhibit 8765, 20037-41.

<sup>43</sup> *La Follette Committee Report*, Pt. 4, 455-57.

maintain workers in the off-season; that a federal coordinator be appointed to regulate the labor supply in the area; that Mexican nationals working in the fields be sent back across the border; that both labor and owners be organized to promote orderly collective bargaining, and that a federal board be established to oversee the process. It did not say that workers should be free to join the organization of their choice, however, nor did it recognize the paramount position of the CAWIU in previous organizing efforts. Simon Lubin, the Progressive reformer, was a member of the committee. He put the committee's ideas into a few brief words when he said that what was necessary was "the thorough organization of labor and the thorough organization of business management" so that "both might cooperate to a common end . . ."<sup>44</sup>

Officials in Washington did not support the report. Farm workers had no political clout in Washington, and growers, since the cotton strike, had been registering vigorous protests there over federal interference in their affairs. The National Labor Board bowed out, referring "interested parties" back to the state. Vigilantism intensified in the valley. The ACLU remained interested and active, but impotent. Attorney Grover Johnson, for example, was attacked in broad daylight by a group of men that included a county supervisor and the administrator of a county hospital, after obtaining the release from jail of two CAWIU members. Growers, with the support of Mexican Consul Joaquín Terrazas, allowed a Mexican farm workers union to be formed on condition that they could dictate policy to the union. Once again, pressure built for the federal government to step in, but instead of sending federal marshals to the scene, the Roosevelt Administration enlisted the help of the Department of Labor. The secretary of labor, Frances Perkins, thought of CAWIU activists as follows:

I got this brainstorm and said to myself, "What kind of people are they? They're like children and children take comfort in authority. When children are having a tantrum when grandma, or Old Aunt Susan, who is a person of authority comes in, they calm right down, because Aunt Susan knows where she's going and what she intends to have. There isn't any of this fluttering like dear, kind,

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<sup>44</sup> *La Follette Committee Hearings*, Pt. 54, exhibit 8766, 20044.

sweet mama who doesn't seem to know what it is one's aiming at, trying to obey all the rules of child guidance and rearing.”<sup>45</sup>

“Old Aunt Susan” turned out to be Brigadier General Pelham D. Glassford, appointed by Perkins as special labor conciliator for the Imperial Valley. Glassford felt that the CAWIU must go before the situation could be resolved, but his master plan for the area was akin to what Creel's had been in the San Joaquin Valley cotton strike. Glassford, however, had no power to compel the growers to do anything.

Glassford knew this as well as anybody, so he set out to win the growers' confidence and support by denouncing the CAWIU. Glassford then planned to use his relationship with the growers to try to influence the situation.

The ACLU was not pleased with the Glassford plan, especially when Glassford refused to condemn extralegal tactics used by growers against the CAWIU. The ACLU complained to Washington, demanding Glassford's recall. Glassford's response to his superiors in Washington was, “It is absolutely essential at the present time that they [the growers] believe me to be entirely under their control.”<sup>46</sup> The Labor Department backed up Glassford, hoping that the Glassford strategy, to destroy the CAWIU and thus make valley growers amenable to reform, would work. But all of Glassford's later suggestions for reform were summarily rejected by Imperial Valley growers. Glassford reported back to Perkins that valley growers were by then so secure that they no longer felt obliged to deal with their own company union, the Mexican farm workers union founded with the support of Terrazas. Glassford finally understood the real state of affairs in the valley. The grower coalition had no intention of allowing any outside “interference” in its affairs.

Finally, Glassford broke with the growers, seizing his opportunity when an ACLU attorney in the valley, under the seal of Glassford's protection, was brutally assaulted on a railway platform in Niland. Glassford denounced the growers' actions in no uncertain terms:

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<sup>45</sup> Quoted Daniel, *Bitter Harvest*, 240–41.

<sup>46</sup> See the testimony of Pelham David Glassford, *La Follette Committee Hearings*, Pt. 55, 20135.

Apparently a small group of owners and shippers who have set themselves up to rule Imperial Valley desire only to fog the issue with their doctrines of violence, intimidation, and suppression of the workers. They are placing themselves in the position of being the most dangerous “reds” ever to come to Imperial Valley . . .

Satisfied that there is little danger of a disturbance during the present melon season, the big growers and shippers apparently are content to do little or nothing toward ameliorating conditions of the workers.

The feeling of security is enhanced by the fact that the principal labor agitators have been incarcerated. It is unfortunate that our courts of justice should be used as a means for eliminating the agitators from the situation, on what are apparently trumped up charges.<sup>47</sup>

Glassford left the valley shortly after making that statement.

In the wake of the cotton strike of 1933, leaders of the Agricultural Committee of the State Chamber of Commerce and the California Farm Bureau Federation were enlisting support from farm employers throughout the state in a campaign to squash the CAWIU. In March 1934, the Associated Farmers of California was created. Its activities were financed by railroads, utilities, banks, oil companies, and other antiunion industrial groups. The Associated Farmers launched a statewide anti-communist, anti-union campaign. Their strongest weapon was the California criminal syndicalism law. On July 20th, the arrests that the Associated Farmers had sought took place. Seventeen leaders of the CAWIU were arrested, including Pat Chambers. The Associated Farmers financed part of the cost of the prosecuting attorney’s research and clerical work on the case. Eight of the seventeen defendants were found guilty on two of six charges — and sent to prison.<sup>48</sup>

The CAWIU’s extinction, however, was due to a policy shift by the Comintern. In 1934, the Communist Party insisted on a more ideological stance and a shift from organizing independent trade unions to an effort to “bore from within” established trade unions. The Communist Party in the

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<sup>47</sup> *La Follette Committee Bearings*, Pt. 55, 20136.

<sup>48</sup> *La Follette Committee Report*, Pt. 4, exhibit I, 694.

United States, in compliance with directives from Moscow, disbanded its independent organizing drive among farm workers. In 1934 the communists applied to the AFL for several union charters, but their main concern was to involve the California State Federation of Labor in a comprehensive industrial union that would include packing shed and cannery workers as well as farm workers. The AFL's conservative, craft union-oriented leaders were not open to such efforts, but at the grassroots level in California, the communists won approval. Edward Vandeleur, secretary of the California State Federation of Labor, and Paul Scharrenberg, former secretary of the federation, both of whom opposed the communists' efforts, actually gave reassurances to the Associated Farmers that the AFL would not support the plan for a statewide agricultural cannery and packing shed workers' union. Vandeleur fired a non-communist farm labor activist much disliked by growers to curry favor with growers and to further undermine the communist group.<sup>49</sup>

At the national level, organized labor's lack of commitment to farm workers was clearly demonstrated by its failure to fight to have farm workers included under provisions of the NLRA passed in 1935. At that time, the powerful farm lobby successfully argued against including farm workers on the grounds that farming was "unique," and "special," and thus should be exempt from labor legislation. Farmers had in mind two characteristics of their industry, the seasonality of farm work, with its very uneven demand for farm labor, and the perishability of farm products. These characteristics make the agricultural industry extremely vulnerable to strike action, and farmers were adamant about curtailing the possibility. Farmers also argued that agriculture was the nation's most vital industry and that under no circumstances should it be disrupted. They painted a vivid picture of crops rotting in the fields while people went hungry. To buttress their position, farmers consistently claimed that farm labor shortages existed. Public records indicate that farmers complained of a general "scarcity of farm labor" during both the Great Depression when there were millions of unemployed laborers, and during the labor-scarce years of the Second World War. "The decision to exclude farm workers from the

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<sup>49</sup> See the testimony of S. Parker Frisselle, *La Follette Committee Hearings*, Pt. 49, 17945–46; *La Follette Committee Report*, Pt. 4, 627.

benefits of the NLRA was made behind closed doors and without a single voice having been raised in their defense.”<sup>50</sup> Political pressures to counter those exerted by organized farmers were simply not generated by organized labor or other interested groups.

Activism at the state level continued, however. Disgruntled activists representing federation locals and independent ethnic unions met in April 1937 and founded the California Federation of Agricultural and Cannery Unions (CFACU). Shortly thereafter, the CFACU, dominated by veterans of the CAWIU and other communist-led unions, opted to join the CIO when the AFL’s rival indicated an interest in organizing a nationwide campaign among workers in agriculture and related industries. Meanwhile, a bitter struggle was going on within the AFL in California involving the International Longshoremen and Warehousemen’s Union (ILWU) and the International Brotherhood of Teamsters (IBT).

The ILWU, under Harry Bridges, had formulated a plan to expand into the production, processing, packaging, handling, and transporting of the products handled on the docks in California. Combined with Bridges’ radicalism and pro-CIO thinking, this made AFL officials nervous, and it incensed Teamster leaders who also wanted jurisdiction in those areas. The AFL executive council followed its fears and awarded jurisdiction over warehouse workers in the interior of California to the Teamsters. Bridges then split from the AFL and joined the CIO. The new organization formed to spearhead the CIO drive into agriculture, canning, and packing was the United Cannery, Agricultural, Packing, and Allied Workers of America (UCAPAWA). In the months that followed, the AFL and the CIO competed with each other in a jurisdictional contest. UCAPAWA adopted a strategy aimed at cannery and packing shed workers to the neglect of farm workers, and the conservative AFL developed cooperative relations with employers in the canning and packing industries. Reacting to a strike originated by AFL radicals at several major canneries in Stockton in April 1937, the State Federation of Labor declared the strike illegal. The federation ousted the radicals, then entered into negotiations with the cannery owners and came up with an exclusive contract for the AFL. The contract recognized

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<sup>50</sup> Jerold S. Auerbach, “The LaFollette Committee; Labor and Civil Liberties in the New Deal,” *Journal of American History* 51 (December 1964): 435–59.

the California State Council of Cannery Unions, a Teamsters affiliate, as the exclusive bargaining agent for 65,000 workers. After their Stockton triumph, AFL conservatives began a vigorous campaign against all radical-controlled agriculture and cannery workers' locals under its auspices. In cooperation with agricultural owners, the AFL undercut the CIO-affiliated UCAPAWA and radicals within its own organization.

A key Federation advantage here has been its grip on the teamsters who control much of the flow of farm produce to market. AFL strength in many canneries has also been important. These strategic advantages have been utilized at times to fight UCAPAWA, and successfully so. In several cases growers have been deterred from signing contracts with or recognizing UCAPAWA because of AFL threats that such action would prevent their products from reaching market or being canned.<sup>51</sup>

Inter-union rivalry damaged the farm workers' cause, certainly, but the organization of community sentiment at the local level remained the major obstacle; and this, despite national publicity highly favorable to farm workers. The year 1939 saw the publication of John Steinbeck's *The Grapes of Wrath*<sup>52</sup> and Carey McWilliams *Factories in the Field*,<sup>53</sup> damning indictments of the abusive labor policies that prevailed in California's industrialized agriculture. The living and working conditions of farm laborers in California were also publicized by public hearings conducted by Senator Robert LaFollette's subcommittee of the Senate Committee on Education and Labor. Despite the widespread publicity, "Senator Elbert Thomas [who had participated in the hearings] expressed the unhappy truth that the agribusiness complex in California was an 'empire' whose 'impregnability' was not fully appreciated by those who believed that public exposure of the human degradation in which it trafficked would somehow guarantee reform. 'It is traditional in the West,' Thomas said, 'and is so much an ingrained habit that nothing this committee could say would even scratch that empire.'"<sup>54</sup>

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<sup>51</sup> Harry Schwartz, "Recent Developments Among Farm, Labor Unions," *Journal of Farm Economics* 8, no. 4 (November 1941): 833–42.

<sup>52</sup> John Steinbeck, *The Grapes of Wrath* (New York: Viking Press, 1939).

<sup>53</sup> McWilliams, *Factories in the Field* (1939).

<sup>54</sup> Quoted in Daniel, *Bitter Harvest*, 284.



Prior to 1956, the outstanding example of pro-grower, anti-labor government policy was the development of the Mexican contract labor program. The program was begun during the First World War. In the course of World War I, California growers and railroad interests lobbied successfully for the establishment, under federal auspices, of the first Mexican contract labor program. The arrangement was quite simple, involving no guarantees to Mexicans, but allowing the growers to avoid the \$8.00 head tax normally charged immigrants at the border.

During the 1920s, the national issue was immigration quotas. Between 1927 and 1931, numerous bills were introduced in Congress to put Mexico under the quota system. Chief spokesmen in favor of quotas were a coalition of the American Federation of Labor that wished to protect domestic wages, various racist and patriotic organizations that wished to protect “American blood,” and groups of social workers and public health officials who wished to better provide for Mexican immigrants already in the United States. Leading spokesmen against Mexican quotas were the California Farm Bureau, the Agricultural Labor Bureau of the San Joaquin Valley — which spoke for chambers of commerce and other groups allied to California agricultural businesses — and the Santa Fe, Southern Pacific, and Union Pacific Railroads, all of which were involved in the transport of California’s agricultural produce. With the mood of Congress and the American public restrictionist in the late 1920s, it was a battle between anti-quota and pro-quota forces. The opposition forces were able to keep Mexican quota bills from coming out of both the House and Senate Immigration and Naturalization Committees until 1931, when a House bill passed, but died for lack of companion Senate legislation.<sup>55</sup>

During the 1930s, California agricultural businesses were supplied with an ample seasonal labor pool by the “Okies” and “Arkies” who migrated from the “Dust Bowl,” but with the advent of World War II, a farm

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<sup>55</sup> Carey McWilliams, *North From Mexico: The Spanish-Speaking People of the United States* (Philadelphia: Lippincott, 1949); N. Ray Gilmore and Gladys W. Gilmore, “The Bracero in California,” *Pacific Historical Review* (August 1963): 265–82; Ernesto Galarza, *Merchants of Labor: An Account of the Managed Migration of Mexican Farm Workers in California 1942–1960* (Santa Barbara: McNally and Loftin, 1964); Sheldon L. Greene, “Immigration Law and Rural Poverty — the Problem of the Illegal Entrant,” *Duke Law Journal* 3 (June 1969): 475–94; Ellis W. Hawley, “The Politics of the Mexican Labor Issue, 1950–1965,” *Agricultural History* 40, no. 3 (July 1966): 157–76.

labor shortage developed as migrants were recruited by defense plants, shipyards, and the military; and so, in June of 1942, California Governor Culbert Olson wired the War Manpower Commission, the secretary of labor, the secretary of state, and the secretary of agriculture, Claude Wickard, saying that 20,000 Mexican workers were needed immediately and 159,000 would be needed by October, 1942.<sup>56</sup>

In late June, Secretary Wickard went to Mexico City as head of a U.S. delegation, which included the president of the American Farm Bureau Federation, to negotiate a contract labor program. The Mexican government demanded guarantees that its citizens would not be treated as badly as they had been under the World War I program. An agreement was signed on July 20th, whereby the United States government guaranteed the contract workers transportation to and from the border, the prevailing wage of the area in which they worked, employment during 75 percent of their contract period, and the same health and housing standards provided American farm workers. Since the “prevailing wage” had to be set prior to the importation of Mexican workers, the Department of Agriculture simply accepted as “prevailing” the wage level set seasonally by growers’ organizations like the Agricultural Labor Bureau of San Joaquin County. The maximum number of Mexican contract laborers working in a California harvest under the wartime program was 36,000 — or 8 percent of the state harvest labor force in 1944.<sup>57</sup>

In 1946 agricultural business interests working principally through the American Farm Bureau Federation pressed for the establishment of a permanent contract labor program with Mexico. While federal officials negotiated with Mexico between 1946 and 1949, Mexican workers continued to be brought in under temporary agreements. There were protests against the arrangements. When a permanent program was agreed to in August 1949, both the American Federation of Labor and the Congress of Industrial Organizations protested that such a program would take jobs away from domestic farm workers and lower the wages of those who did work. Mexican-American organizations like the G.I. Forum also protested.

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<sup>56</sup> Gilmore and Gilmore, “The Bracero in California,” 269.

<sup>57</sup> *Ibid.*, 269–72.

Public sentiment was aroused by the national publicity given to 10,000 jobless domestic farm workers in California in the spring of 1950.<sup>58</sup>

The year 1947 marks the beginning of a fifth period of outside involvement in the farm labor issue, with organized labor essentially uncommitted, but involved tangentially. Several important characteristics define the farm workers of this period. First, the common bond of powerlessness that had linked them with other workers had been severed by the inclusion of other workers under the National Labor Relations Act. After 1935, farm workers were indeed a class apart. Second, farm workers were becoming more settled, less transient. Third, after the influx of impoverished whites in the Depression years, minorities, mostly Mexican Americans and Mexicans, were again predominant in the farm labor pool.

In 1947, Bob Whatley, a farm worker and veteran labor organizer from Oklahoma, who was then working in the Bakersfield area of California, wrote to H. L. Mitchell, president of the National Farm Labor Union (NFLU), asking for some literature and a speaker. The NFLU had evolved from the Southern Tenant Farmers Union (STFU), founded in 1934 by Mitchell and Clay East in Tyronza, Arizona. The STFU had been organized to resist some of the effects of the federal government's Agricultural Adjustment Act, in particular the eviction of sharecropper families from the land under Section 7-A of the Act.<sup>59</sup>

The STFU entered the American labor movement by way of affiliation with the United Cannery, Agricultural and Packinghouse Workers of America (UCAPAWA), heir to the radical unionism of the 1930s. This affiliation ended in March, 1939, however, when Mitchell and his supporters split with the UCAPAWA leadership whose ties were with the CIO. During the next six years, the STFU held its own in the South, relying not on organized labor, but on independent funds, and a few channels of communication with a national audience. Mitchell tried to get a charter from the AFL in 1940, but was turned down, principally for his socialistic leanings. He tried again in 1945 and succeeded due to the sponsorship of Patrick

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<sup>58</sup> Ibid., 273–75; Hawley, “The Politics of the Mexican Labor Issue,” 158–60; Greene, “Immigration Law and Rural Poverty,” 475–94.

<sup>59</sup> Schwartz, “Organizational Problems of Agricultural Labor Unions,” 461.

E. Gorman of the Amalgamated Meat Cutters and Butcher Workmen of America, who had ties to AFL President William Green.<sup>60</sup>

On receiving Whatley's letter, Mitchell went to Bakersfield, California, with his director of organizations, Henry Hasiwar, toured the area, and concluded that Hasiwar should remain in Bakersfield to work with Whatley. Eventually, leadership of the California local of the NFLU rested with Hasiwar, who had been an effective organizer in several industrial union drives during the 1930s, Ernesto Galarza, who had served as political liaison for Latin American unions and had a Ph.D. in economics from Columbia University, and James Price, a shed foreman at the DiGiorgio Ranch in Arvin.

The union's strategy was to enlist as many workers as possible from a single employer, call a strike, demand wage increases and union recognition, and picket to keep "scabs" out of the fields. American Federation of Labor affiliates would then provide strike relief and political support to keep the picket line going while church or student groups would furnish occasional money and boost morale. By August 1947, Local 218 of the NFLU had 1200 members, most of whom worked for the DiGiorgio Fruit Company.

When DiGiorgio ignored the union's request for union recognition and negotiations on wages and working conditions, a strike was called on September 30th. Despite the fact that most farm workers involved were residents, locals called the strikers "outsiders" and charged them with attempting to "make themselves the bosses of Kern County and eventually of all California agriculture."<sup>61</sup> The action against DiGiorgio was to last for three years. It eventually failed, due mainly to manipulation of the bracero program which provided growers with an effective strike-breaking weapon. According to provisions of the law, braceros were not to be employed except in instances of domestic labor shortage and never to be employed in fields where domestic workers had walked out on strike. Yet in two major tests of NFLU power, the DiGiorgio strike and the Imperial Valley strike of 1951, braceros undermined the strike effort of domestic workers.

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<sup>60</sup> Ibid., 464.

<sup>61</sup> *La Follette Committee Report*, Pt. 4, 268; also see the testimony of Joseph DiGiorgio, *La Follette Committee Hearings*, Pt. 48, 17658.

A number of events in connection with the DiGiorgio strike are significant. Joseph DiGiorgio called on his connections in and outside the community to put down the strike. Sheriff John Loustalot was prompt in responding, as was a representative of the U.S. Department of Agriculture. Together they “persuaded” the braceros, who had refused to cross the picket lines on the first day of the strike, to go back to work. Failure to work meant immediate deportation.

The union protested to the Department of Agriculture in Washington, appealed to the Mexican Embassy, and tried to mobilize support through a sympathetic congressman, Representative John F. Shelley, and the Washington labor lobby. It met with some success. The Department of Agriculture stalled, but did finally order the cancellation of all contracts, terminating its agreement with DiGiorgio on November 10, 1947. However, the six-week delay in removing the braceros broke the strike that season because by mid-November the harvest was over. Pruning had begun, but there were enough non-union workers for that task.<sup>62</sup>

The union then turned its attention to the local office of the California Farm Placement Service. Federal regulations under the Wagner–Peyser Act prohibited referrals for employment where a strike was in progress, but the Bakersfield office had refused to post notices that a strike was in effect and had continued to refer applicants to DiGiorgio farms. The union made some headway with the Farm Placement Service, too, but by November 20th, DiGiorgio was able to compensate for the loss of braceros and farm placement referrals through recruitment by its own agents. Persistent demands by the union for the removal of “wetbacks” used as strikebreakers did result in roundups by immigration agents in the spring, however.

At the end of November, Secretary of the Interior Harold Ickes published a syndicated newspaper column expressing his views on the plight of migrant farm workers, the “notorious Associated Farmers,” and the DiGiorgio strike. In response, the Kern County Special Citizens Committee made its appearance speaking for the leaders of the community in agriculture, industry, finance, and newspaper publishing. The committee released a lengthy pamphlet entitled “A Community Aroused,” in which the Ickes

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<sup>62</sup> Ernesto Galarza, “Big Farm Strike: A Report on the Labor Dispute at the DiGiorgio’s,” *The Commonwealth*, June 4, 1948, 178–82.

column was denounced. The economic life of Kern County, the pamphlet said, depended on uninterrupted production. The strike was an invasion of the community by outsiders who threatened “the pioneers who built Kern County . . . the people who made America great.”<sup>63</sup>

The Central Labor Council of Bakersfield endorsed the strike and placed DiGiorgio products on a boycott list. DiGiorgio products also appeared on the boycott lists of major labor councils, including those of Los Angeles and San Francisco. Local Teamsters, supported by the winery workers, struck the DiGiorgio ranch, refused to deliver supplies, and joined the picket lines. On October 26th, the Executive Council of the California State Federation of Labor voted \$1,000 for the strike fund and issued a statewide appeal to all affiliates. Additional cash contributions of over \$80,000 came from all sectors of the labor movement throughout the nation. Meanwhile, the State Conciliation Service had made futile attempts to induce DiGiorgio to enter negotiations with the union. Nationally known religious and lay leaders, most of whom were supporters of the National Sharecroppers Fund, spoke out on behalf of the union. With this backing, the union attempted to expand within Kern County and into Tulare and Fresno Counties. It began setting up political committees and registering voters, and in May 1948, began construction of its own hall on an acre of land donated by Mrs. Bertha Rankin, a local union sympathizer.

In February 1948, DiGiorgio called on the California Senate Factfinding Committee on Unamerican Activities to investigate the NFLU. The Associated Farmers claimed that AFL officials were “suckers for a handful of out-of-state men who were using communist front groups.” In paid advertisements, the Kern County Special Citizens Committee called H. L. Mitchell a former “official of a communist-dominated CIO union.” And, Joseph DiGiorgio asserted, “all this agitation is communist inspired by subversive elements.” No officer of the union had ever been a member of the Communist Party, however, and so the committee was not able to establish communist domination of the strike, but it did state that the National Sharecroppers Fund was a “communist front organization.”<sup>64</sup>

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<sup>63</sup> Ibid.

<sup>64</sup> Ernesto Galarza, *Farm Workers and Agri-Business in California, 1947-1960* (Notre Dame and London: University of Notre Dame Press, 1977), 110-11.

Legal harassment was common during the strike. Union organizers were stopped in the streets by police and searched for weapons. Tensions on the picket line were high, and by spring 1948 the effectiveness of the strike had come to rest with a mere 100 men and women. The tense situation led to violence. On the night of May 17, Price, Hasiwar, and five other union members were fired upon as they sat in union headquarters discussing the strike. Price suffered a head wound, but recovered.

On November 12th and 13th, 1949, a subcommittee of the House Education and Labor Committee convened in Bakersfield to investigate the strike. DiGiorgio's lawyers walked in on the hearings to serve Mitchell and other union officials with a libel complaint asking \$2 million in damages. The cause of the action was the showing of a film produced by the Hollywood Film Council, *Poverty in the Valley of Plenty*. Mitchell could not raise the funds to contest the suit and was forced to settle out of court, to recall all prints of the film, and to end the strike. Congressman Richard Nixon helped draft a report concerning the film which was used as propaganda against the union.<sup>65</sup>

The NFLU participated in limited action and strikes against other agricultural employers through 1952. In the Imperial Valley, the NFLU used citizen's arrests to enforce statutes prohibiting employment of braceros in labor disputed areas. However, local courts ruled against the tactic and the Immigration Service refused to remove alien "scabs" from the fields. Nor did affairs change when the bracero administration was transferred to the U.S. Department of Labor in 1951. Domestic workers were pushed out of crops by braceros, and braceros reappeared in the Los Banos strike of 1952 to break the union challenge.

In response, the NFLU launched a political challenge — a demand for termination of the bracero program, and, to get around the problem of ineffective strikes, requests for organized labor's support of boycotts. Neither demand found a favorable audience. Lacking strong labor or liberal support, the demand for an end to the bracero traffic ended in minor reforms in the bracero administration. As for the boycott launched in 1947, despite initial success, it collapsed when a court injunction was issued on the grounds that the NFLU was covered by the "hot cargo" provisions of the

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<sup>65</sup> Ibid., 114.



Taft–Hartley Act. The National Labor Relations Board initially concurred, despite the fact that farm workers were explicitly excluded from provisions of the NLRA, but later reversed its position.<sup>66</sup>

As the follow-up to the injunction, the Associated Farmers and their fellow lobbyists introduced a bill in the state legislature to prohibit the controversial “hot cargo” boycotts. The Teamsters Union saw itself as the chief target of the bill and sought to prevent its passage, and so entered into negotiations with the Associated Farmers, agreeing in 1951 not to support an NFLU strike in the Imperial Valley in exchange for grower efforts to kill the bill. Teamster President Dave Beck ordered Teamster officials in the Imperial Valley to abide by all contracts to transport products harvested, “regardless of any labor interference or other alibis.”<sup>67</sup> California State Federation of Labor Secretary-Treasurer C. J. Haggarty commended the Teamsters for their willingness to confer with the Associated Farmers.

The Teamsters had the power to make or break a strike called by the NFLU. Teamsters, in accord with the position of the Central Labor Council of the San Joaquin Valley, had picketed in the DiGiorgio strike, but in a later action in Tracy, Western Conference of Teamsters officials waved union members through NFLU picket lines, and the Teamsters failed to support the NFLU melon strike in the Imperial Valley.

In 1952, the National Farm Labor Union was renamed the National Agricultural Workers Union, or NAWU. Shortly thereafter, the California State Federation of Labor removed the NAWU locals from its rolls for failure to pay per capita dues. Mitchell, meanwhile, redirected the union’s resources away from California to the Deep South. NAWU activists remaining in California directed attention to the Mexican contract labor system.

In the period 1947–53, then, the institutional hegemony of the growers was challenged, but not broken. The farm workers’ status within organized labor was marginal. The movement was underfunded. Violence was used against it. The bracero program was manipulated to undercut the farm workers’ union. And stalling tactics successfully defeated farm worker efforts to have regulations enforced. The Teamsters also played a large role in defeating the farm workers’ struggle to organize effectively.

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<sup>66</sup> Ibid., 98–117.

<sup>67</sup> Quoted by Murray Kempton, *New York Post*, June 22, 1951.



In 1959, a series of meetings of a liberal organization called the National Advisory Committee on Farm Labor influenced the AFL-CIO to create a new affiliate, the Agricultural Workers Organizing Committee (AWOC) to spearhead an organizing drive among agricultural workers.<sup>68</sup> Organizing committees were originally designed by CIO international unions to facilitate an aggressive opening sally on an unorganized sector of the labor force. In the case of farm labor in California, the situation was somewhat different because there already existed an AFL-chartered union, the National Agricultural Workers Union (NAWU), and a CIO union, the United Packinghouse Workers of America (UPWA).

The UPWA was the successor of the UCAPAWA and the radical left of the labor organizing movement in California agriculture. After World War II the UPWA was in active control of a significant number of fruit and vegetable packing sheds in California, but the Teamsters, then an AFL-CIO affiliate, claimed jurisdiction over shed workers too. Like the Teamsters contracts with shed operators, the UPWA agreements contained “no strike” clauses by which they justified their violation of NAWU picket lines in the late 1940s and early 1950s. The UPWA and the Teamsters were openly competitive with regard to shed workers, but both the UPWA and the IBT shrank from the problems of organizing harvesters and excluded field workers from their jurisdiction. The growers fought hard to cut the ground from under the UPWA. A major weapon was the bracero program. The UPWA locals in California, which held some seventy-five shed contracts at one time, were overwhelmed by new technologies that displaced workers, by competition from the IBT, and by grower use of braceros. By 1958, the UPWA had lost 3,000 packing jobs. As the number of domestic packers dwindled, so did their wages. By 1959 the situation was described by the union’s “Packinghouse Worker” as “an uphill fight to hang on to the scattered outposts” of its organization. At that point, the UPWA began to show some interest in organizing farm workers.<sup>69</sup>

When the AWOC entered the field, then, the NAWU had been operating among field workers and the UPWA among employees of the packing

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<sup>68</sup> Lawrence T. King, “Pickets in the Valley,” *The Commonweal*, October 14, 1960, 64–67.

<sup>69</sup> Ibid.; Grant Cannon, “Farm Labor Organizes: The AFL-CIO Makes Its Bid for Farm Labor in California,” *Farm Quarterly*, Spring 1961, 60–65ff.

sheds and processing plants. The UPWA was ripe for a jurisdictional quarrel with the NAWU, however, because the UPWA had been making efforts to organize field hands. Shortly after John W. Livingston, the director of organization of the AFL-CIO, appointed Norman Smith director of the AWOC, Smith made it clear that the AWOC was the organizing agent for the two unions.

A part of Smith's strategy was to recruit pickets in the skid row areas of California's agricultural towns. Smith was a veteran of early UAW campaigns against the giants of the automobile industry. His experience with industrial plants in the East had confirmed for him the organizing potential in the crowds of men who gathered outside the gates of factories seeking work. Smith perceived a similar situation in the daily labor shapeups in the skid rows of places like Oakland and San Jose. So it was there — among the most transient and least skilled elements of the agricultural labor force — that Smith enlisted members for AWOC picketing.

Smith would disperse flying squads of pickets to besiege selected farms, large and small, while he and his assistant, Louis Krainock, maneuvered to negotiate with the owners. Smith and the AWOC challenged growers of cherries, peaches, tomatoes, apricots, and pears. Dozens of strikes were certified. If there was any pattern to these forays it was that the AWOC focused its efforts on highly perishable crops that required large numbers of seasonal workers for a short period of time and which were harvested mainly by experienced Anglo migrants. The AWOC demanded pay increases, job security, control of foreign labor, union recognition, and formal grievance procedures.

Smith had to deal with police surveillance, the importation of foreign labor under the bracero program, litigation and injunctions, government officials biased in favor of the growers, and a pro-grower publicity blitz. Essentially, the effort failed. The AWOC came out of these encounters with some economic benefits, but without collective bargaining contracts.<sup>70</sup>

Meanwhile, the AWOC was straddling a jurisdictional dispute between the NAWU and the UPWA. In the fall of 1960, Smith chose to

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<sup>70</sup> Henry Anderson, "Picketing in Perspective: An Editorial," *Citizens for Farm Labor*, *Farm Labor*, March 1966, 5–6; "To Build a Union," *Citizens for Farm Labor*, *Farm Labor*, June 1966, 11–28; August 1966, 13–25; September 1966, 1–25; Dick Meister, "Still in Dubious Battle," *The Nation*, September 24, 1960, 178–80.

redirect AWOC resources to support the UPWA in a lettuce strike in the Imperial Valley. Because the UPWA was actively recruiting field hands for the strike, Smith appeared to align himself with the UPWA in its jurisdictional dispute with the NAWU.

Big labor's internecine warfare was not confined to the ranks of the AFL-CIO, either. The Western Conference of Teamsters, major shippers of the produce, abided by a no-strike contract with growers, and refused to aid the UPWA-AWOC coalition. As the harvest ended in the Imperial Valley and the crews moved north to Salinas, the strikers followed. The threat of the strike, plus internal financial problems caused one big lettuce grower, Bud Antle, to sign a contract with the International Brotherhood of Teamsters covering his field labor operations. The Teamsters then loaned the company \$1 million. The Salinas Growers-Shippers Association denounced the contract and expelled Antle from the Association.<sup>71</sup>

In the fall of 1960 in a legal battle with DiGiorgio Fruit Corporation over the showing of a film — the same film that the NFLU had been sued for showing — the AWOC was penalized \$60,000. During the 1960–61 season, an additional \$21,000 in legal fees and over \$4,000 in fines were imposed on the flying squads in the strike of the winter lettuce crop in the Imperial Valley. AWOC's total budget for the year was only \$100,000. These financial losses and the infighting between the NAWU and the UPWA hit the AWOC hard and it declined rapidly. In the summer of 1961, the AFL-CIO withdrew support, allowing AWOC's efforts to fail.<sup>72</sup>

After 1961, local initiative filled some of the gap left by big labor's pull-out. A number of Anglo and Mexican fruit pickers had been operating independently at the local level. They and some of the AWOC central staff called a conference in Strathmore, California, to see what could be done to save the union. Two hundred workers attended the session. They voted to assess themselves \$2 each and to send a delegation back to the AFL-CIO's midwinter convention in Miami Beach. Mrs. Maria Moreno, one of four delegates to go, reported the following, "Mr. Meany [AFL-CIO President George Meany] told us if we keep going we will soon have our union built.

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<sup>71</sup> Ronald B. Taylor, "A Romance Rekindled," *The Nation*, March 19, 1973, 366–70.

<sup>72</sup> "Tossed Salad," *Newsweek*, February 20, 1961, 26; "Violence in the Oasis," *Time*, February 17, 1961, 18.

He said there would be as much money as needed. He told us to tell the people back home he was going to back us all the way.”<sup>73</sup>

Meany sent Al Green to replace Smith as director. Like Smith, Green found the shapeup on skid row the only visible target for his organizers. Green did not have much success building a farm labor union following this tactic. Few major strikes were attempted during this period. The only cohesive force within the AWOC during this period was a group of Filipino vegetable and grape workers centered in Delano. They were organized by Larry Itliong, Ben Gines, and Andy Imutan, and it was they who were responsible for initiating the Delano Grape Strike of 1965.

Once again, in 1958–1960, an attempt to organize California farm workers had fallen short. During the same period, however, the preconditions for an ultimately successful organizing drive were being prepared beyond California’s borders, in the national arena. Two developments in particular should be remarked upon: the support long given to farm employers by agencies of the U.S. government was eroding; and new support for farm workers was emerging from liberal public interest organizations allied with big labor.

A major fissure in traditional support of farm employers by the federal government came with the appointment of James P. Mitchell as secretary of labor by President Eisenhower in 1956. Mitchell’s unexpected appointment brought a “liberal Republican,” a future protege of Nelson Rockefeller, and a former labor consultant to several New York department stores to the post of secretary. Mitchell adopted a policy of consultation and accommodation with major labor, becoming a formidable figure in the Eisenhower cabinet because of the success of his conciliatory policies.

In 1958, a major battle developed between the Taft and the Eastern wings of the Republican Party, with conservatives supporting a national right-to-work law. Mitchell emerged in this struggle as an effective advocate of unionism, and was seen as positioning himself for the Republican vice-presidential nomination in 1960.<sup>74</sup>

Mitchell remained a symbol and executor of elite-controlled reform, but the new vigor and visibility of his views made him more reliant upon

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<sup>73</sup> Anderson, “To Build a Union,” 23–24.

<sup>74</sup> J. Craig Jenkins and Charles Perrow, “Insurgency of the Powerless: Farm Worker Movements, 1946–1972,” *American Sociological Review* 42 (April 1977): 249–68.

liberal allies, and they brought increasingly heavy pressure to bear upon him to advance their objectives, which included greater recognition and protection for farm labor. In 1957, Mitchell ordered an internal review by the Labor Department of all its policies bearing upon farm labor questions. In response to liberal complaints about the effects of the recession of 1958–59, Mitchell pledged full enforcement of the 1951 law requiring farm employment be offered to domestic workers prior to the importation of braceros. In 1959 Mitchell went further, supporting reform legislation to extend the minimum wage to agriculture. In 1960, his reform efforts reached the end of their tether, when the secretary proposed abolition of the bracero program. State grower associations enlisted Ezra Taft Benson, secretary of agriculture, to defend the program in the cabinet and before Congress. The White House remained neutral. Mitchell withdrew his proposal.<sup>75</sup>

Nonetheless, his incumbency had coincided with an important shift in public and elite attitudes, a shift to which the secretary's conduct was bound both as cause and response. In 1956 the Democratic National Convention endorsed a platform plank calling for increased welfare benefits for underemployed migrant workers. The following year the National Council of Churches, already involved in the civil rights movement in the South, launched a study of migrant camp conditions and child labor in the fields. As a result, in 1958 the NCC brought public pressure to bear on Secretary Mitchell to strictly enforce existing law on migrant labor camps. The same year, the AFL-CIO, and several liberal interest groups, became directly involved in a call for abolition of the bracero program. In October of 1958 the National Sharecroppers Fund announced the creation of a National Advisory Committee on Farm Labor. The members of the Committee, Dr. Frank P. Graham, A. Phillip Randolph, Clark Kerr, Helen Gahagan Douglas, Mrs. Franklin Delano Roosevelt, Norman Thomas, and Dr. Maurice von Hecke, were close to the national leadership of organized labor. The committee sought to capitalize upon its influence by convening a national conference on the conditions of farm labor. The aims of the conference, which was held in February 1959, were to encourage new national legislation, and to stimulate big labor support for organizing farm labor. William

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<sup>75</sup> Ibid.

Schnitzler, the secretary-treasurer of the AFL-CIO, at the closing session of the conference, acknowledged the “horrifying and degrading” conditions of farm laborers, and announced that “after some months of study and consultation, we have formulated a program for an organizing campaign.” Shortly thereafter, the Executive Council of the AFL-CIO approved a document drawn up by Walter Reuther and H. L. Mitchell, entitled, “An AFL-CIO Program to End 19th Century Poverty in 20th Century Rural America.” Funds were allocated for a four-pronged program: 1) the abolition of alien labor programs; 2) federal legislation to protect the health and welfare of farm laboring families; 3) education of the public to the plight of farm workers; 4) an organizing drive in the fields. It was in response to point four that the AWOC was established. Secretary Mitchell had been encouraged and probably coerced into moving the policy of the Eisenhower Administration in the same direction, although not with the same goals, as those set out by a liberal-labor coalition which was growing in numbers, recognition, money, and institutional support. By 1960, it was evidently too late for farm employers to arrest the fledgling farm labor movement and impose a settlement upon it on the local level. The lights were going down in a larger theater, and national actors were costuming themselves.<sup>76</sup>

In 1960, the Democratic party platform condemned the bracero program, but in 1961 President Kennedy refused to accept Labor Secretary Arthur Goldberg’s advice that a two-year extension of the program be vetoed. Goldberg did, however, succeed in overturning the long-established practice of letting growers set “prevailing wages.” Under Secretary Goldberg, the Department held hearings and set statewide minimum farm labor wages which growers would have to offer domestic workers as a precondition for receiving bracero certifications. By 1963, when the bracero legislation was up for renewal, the Kennedy Administration was developing the issue of poverty for the 1964 campaign and was counting the votes of minorities to whom the civil rights movement had given added stature and influence in the consortium of liberal constituency groups. A one-year extension of the program was won by an alliance of farm bloc states, whose representation was reduced by the decennial reapportionment and further threatened by Supreme Court apportionment decisions. Within the full

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<sup>76</sup> Sue Keisker, “Harvest of Shame,” *The Commonweal*, May 19, 1961, 202–5.

panoply of federal farm programs, the bracero program was small, serving a narrow beneficiary group, and drawing intense liberal opposition. Farm bloc congressional delegations consequently backed away from it, hoping to save more economically central federal farm programs. Thus, the sixth period of farm labor development drew to a close, with significant administrative and legislative victories. Those victories were secured by a combination of cooperation and pressure between federal officials, a reinvigorated coalition of liberal reform groups, and organized labor. These victories occurred without direct farm worker insurgency, but they broke the stranglehold of farm employers by moving the drama to a national theater and linking the farm workers to national leaders and national values.

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*Chapter 4*

## FARM WORKERS AND THE UFW: GAINING ADMISSION

This chapter treats the first five years of the decisive decade, 1965–1969, which cover the founding of the UFW by Cesar Chavez, the beginning of the Delano Grape Strike, and the expansion of community organizing tactics to include devices employed by the civil rights movement — marches and boycott. During these years there was a rapid recruitment of liberals and intensive media coverage. The personal charisma and religious values of Chavez were brought to a focus in his fast for disciplined nonviolence.

In the next five years, liberal criticism of Chavez, which had been muted and isolated, became more prominent and concerted. Chavez and the UFW had to contend against the success of their contract signings with Delano and Coachella Valley growers, which disclosed severe weaknesses in the UFW's ability to carry out its contractual obligations to help administer the labor supply. More difficulties arose in the Salinas Valley, where Chavez at times appeared intransigent and the UFW's major target reasonable and accommodating. Salinas also pitted the UFW against a skilled, well-financed, unscrupulous rival union in the Teamsters, and the UFW lost a series of contests for worker support. Chapter five will deal with this latter half of the decisive decade. (The UFW often had acrimonious



relations with its putative liberal-supported ally, the California Rural Legal Assistance program. Since CRLA won a series of major court cases for farm workers, the UFW's conflicts with CRLA made Chavez and the union appear to many to be seeking personal and organizational glory and power rather than serving the farm workers' cause.)

Nonlocal groups and individuals were largely responsible for creating and sustaining the organizations that presented the greatest challenges to the community control exercised by growers and their allies prior to 1965.

Cesar Chavez, in turn, got his start with help from a nonlocal organization with institutional connections to the left wing of the labor movement. That assistance came from the Industrial Areas Foundation of the Community Service Organization, the brainchild of political activist Saul Alinsky.<sup>1</sup> In September, 1947, Saul Alinsky hired a man named Fred Ross away from the American Council of Race Relations, headed by the sociologist Louis Wirth, to organize in Mexican-American neighborhoods in the Los Angeles area.<sup>2</sup> From Los Angeles, Ross moved to San Jose where he met Cesar Chavez in June, 1952. When Ross met Chavez he recorded the following in his daily record of activities: "To carry on a hard-hitting program of civic action and militancy, you must have people who are of a certain temperament, who just cannot live with themselves and see injustice in front of them. They must go after it whenever they see it, no matter how much time it takes. . . . 'I think I've found the guy I'm looking for.'"<sup>3</sup>

Having "discovered" Chavez, Ross recruited him, then schooled him and promoted his career as a community organizer. The two projects that Ross concentrated on in San Jose were voter registration drives and citizenship classes. Chavez worked in both over a period of six years.

In 1958, Ross asked Chavez to take on a project suggested by Alinsky and Alinsky's friend, Ralph Helstein, president of the United Packinghouse Workers of America (UPWA). The Packinghouse Workers had been organizing in the lemon houses in Santa Barbara and Ventura counties.

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<sup>1</sup> Andrew Kopkind, "The Grape Pickers' Strike: A New Kind of Labor War in California," *The New Republic*, January 29, 1966, 12-15.

<sup>2</sup> Peter Matthiessen, "Organizer: Profile of Cesar Chavez," *The New Yorker*, Part 1, June 21, 1969, 42-85.

<sup>3</sup> Jacques E. Levy, *Cesar Chavez: Autobiography of La Causa* (New York: W. W. Norton Co., Inc., 1975), 95.

They had won elections in most of the houses, but in every case had failed to conclude contracts with management. The lemon companies had simply refused to come to terms with the union, and as a consequence, the union's new members were drifting away.<sup>4</sup>

The trio of Helstein, Alinsky, and Ross had only a vague idea of what Chavez could do to help the union. They simply thought that a lot of community organizing would be useful in some way. The union had enough confidence in the outcome of Chavez's proposed community efforts, however, to invest \$20,000 in non-union organizing focused on the Ventura County community of Oxnard. As Helstein told Chavez, "Oh, well, you organize the CSO (Community Service Organization). We're interested in organizing farm workers. Maybe it will help there. If it doesn't help there, hell, it's helping the community anyway."<sup>5</sup>

In Oxnard, Chavez demonstrated the tactics he had learned working under Ross. Chavez's approach was to build a network of small groups based on personal contact, democratic participation, and service, then move to political action. The political action was aimed at creating an institutional opening for the particular and personal grievances shared by farm workers. In conducting house meetings, Chavez quickly found that jobs taken up by braceros were the main issue among farm workers in the community. Farm workers in Oxnard complained that braceros were taking jobs away from them. By law, braceros were supposed to be brought in only when there was a labor shortage and were not to be used to displace American workers, so Chavez organized a campaign to inundate the Farm Placement Bureau in Oxnard with requests by American farm workers to be hired, and the CSO lodged complaints with Governor Edmund G. Brown, Sr., Senator Alan Cranston, and appropriate state officials. Several investigations were started.<sup>6</sup> The situation heated up as job applicants and community members led by Chavez and the CSO staged protest marches. Chavez and a group of protesters seized an opportunity to picket Secretary of Labor James Mitchell at the Ventura airport. Chavez forced the issue to the point that growers agreed to hire people at the CSO office, which

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<sup>4</sup> Dick Meister, "Still in Dubious Battle," *The Nation*, September 24, 1960, 178–80.

<sup>5</sup> Levy, *Chavez*, 126.

<sup>6</sup> Ellis W. Hawley, "The Politics of the Mexican Labor Issue, 1950–1965," *Agricultural History* 40, no. 3 (July 1966): 171–72.

was turned into a kind of hiring hall. Chavez claimed that after thirteen months of activity every farm worker family in Oxnard was tied into the operation in some way.<sup>7</sup>

Under the glare of publicity, William Cunningham, Southern California director of the Farm Placement Service, was accused of taking bribes and dismissed. He was just short of retirement age and thus lost his seniority and his pension. Edward Hayes, head of the Farm Placement Service, was forced to resign as well. Shortly thereafter, Hayes got a job working for the growers' association in the Imperial Valley.<sup>8</sup>

Chavez wanted to build a union on the fertile ground he had cultivated in Oxnard, but the CSO would not allow it. The CSO's president even went to Oxnard to stop Chavez from creating a union. The CSO was not willing to risk its relations with labor in a jurisdictional dispute.<sup>9</sup> The operation was left to the UPWA, and Chavez was appointed national director of CSO and transferred to Los Angeles. Within ninety days the operation in Oxnard had fallen apart. In Chavez's words, "When I left Oxnard, two guys were hired as organizers. But soon after I left, a factional fight started which destroyed the effectiveness of that CSO chapter. We also left the operation to the Packinghouse Workers Union, and in ninety days . . . the whole thing was lost. Talk about factions — there must have been as many factions as there were workers."<sup>10</sup>

Chavez was most unhappy with the CSO's decision not to let him organize what would in effect have been a labor union. His anger smoldered. After a few years, he resolved to leave the CSO and try it on his own. In 1962, he left what was a well-paying job and went to Delano, California, where his wife's relatives lived. The choice of Delano was a practical one. He had a family and no money coming in. In Delano he could rely on relatives for his and his family's subsistence while organizing his National Farm Workers Association (NFWA).

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<sup>7</sup> James L. Vizzard, "The Extraordinary Cesar Chavez," *The Progressive*, July 1966, 16–20.

<sup>8</sup> Hawley, "Mexican Labor Issue," 174.

<sup>9</sup> Levy, *Chavez*, 138–44.

<sup>10</sup> *Ibid.*, 143; and, as Chavez summed it up later: "The CSO meant well, but it didn't have the heart and courage that were necessary if something was going to be done for the farm workers." Cesar Chavez, "Nonviolence Still Works," *Look*, April 1, 1969, 55.

Chavez was a most effective agitator in the early stages of the formation of social unrest among farm workers in the early 1960s. A reasonable man who communicated with people in terms that they could easily comprehend, he pointed out the injustice of existing social institutions, creating among the people a focal point for the development of social unrest.<sup>11</sup> He would visit workers in their homes and simply discuss “conditions” with them. He would ask them what their biggest problems were, getting them to specify the service goals of an organizing drive. Then he would ask them what they thought of a union. He would collect stories of how individual workers had been mistreated. Everyone it seems had a story to tell. Then he would try to win them over to active participation in his association. Chavez used the same tactic on members of his own family when he recruited them. Cesar’s cousin, Manuel Chavez, explained,

I kept in touch with Cesar by letter, but I didn’t see him again [after a year that Manuel and Cesar Chavez worked together in northern California’s lumber industry] until he called for help [in organizing his National Farm Workers Association, later the United Farm Workers Union, asking his cousin to work without pay]. When I said, “You’re crazy, I’m not coming to work for nothing!” Cesar started organizing me.

He said, “Don’t you remember when they left us in Corcoran, the contractor, and he didn’t pay us?”

“Yeah, I remember.”

“Remember when we were working with D’Arrigo in 1940. He was paying us thirty cents an hour, and that man died because he was all wet?”

I said, “Yeah, I remember. We were mad.”<sup>12</sup>

Thus was Chavez able to involve many who, for one reason or another, had been bystanders and did not want to get involved.

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<sup>11</sup> Matthiessen, “Organizer,” Part 1, 42–45; Chavez, “Nonviolence Still Works,” 52–57.

<sup>12</sup> Levy, *Chavez*, 164; Chavez’s tactics were not new. They had been advocated and even published by Henry Anderson when Anderson was Research Director for the AWOC, AFL-CIO, in 1961, and they were reprinted in 1966: Henry Anderson, “To Build a Union,” *Citizens for Farm Labor*, *Farm Labor* 4, nos. 4–6 (1966).

Three years after Chavez broke away from the CSO and established his own organization, what came to be known as the California Grape Strike started when approximately 800 AWOC workers led by the AWOC's Filipino organizers, Larry Itliong and Ben Gines, struck a number of Delano vineyards, including the huge holdings of the DiGiorgio Fruit Corporation.<sup>13</sup> When the AWOC went out on strike, Chavez's NFWA had only 200 dues-paying members. On September 16, 1965, notwithstanding the apparent weakness of the Chavez union, the NFWA voted to join the strike and to extend it to two other large growers — Schenley Industries, Inc., and Giumarra Vineyards, Inc. On September 20th, 1,100 more workers walked off the job.<sup>14</sup>

Chavez, seeking funds and volunteers, spoke at a number of colleges, including the University of California at Berkeley, just one year after the free speech struggles there, San Francisco State College, Mills College, and Stanford University, and appealed to CORE and SNCC for people with experience in confrontations to act as picket captains until the farm workers could be trained.<sup>15</sup> One of the SNCC volunteers was Marshall Ganz, the son of a rabbi and, as it turned out, one of the UFWOC's most important leaders. The response to Chavez's appeal, however, was mixed. At public meetings, he would be asked when he had last paid dues to the Communist Party. Once, he was actually pelted with eggs and tomatoes, but he kept right on with his speech, and before he was through the booing had changed to applause. Besides SNCC and CORE people, a number of clergymen of all faiths came to man the picket lines, and there also were volunteers from other groups, such as Students for a Democratic Society and the W. E. B. DuBois Clubs.<sup>16</sup>

Delano Mayor Loader responded to the strike with an offer to act as a middleman for growers and farm workers, but his offer was premature and naive. Growers soon let him know that his offer was not appreciated. Loader subsequently turned against the farm workers and supported growers

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<sup>13</sup> Kopkind, "Grape Pickers' Strike," 12–15.

<sup>14</sup> Thurston N. Davis, "Viva la Huelga!" *America*, April 23, 1966, 589–90.

<sup>15</sup> "Viva la Huelga!" *Newsweek*, April 18, 1966, 42–43.

<sup>16</sup> M. Vincent Miller, "Workers on the Farm After the Grape pickers' Strike," *Dissent*, November–December 1966, 645–55.

to the hilt.<sup>17</sup> Growers and their agents reacted in anger. Many hostile incidents were reported. One small group of pickets reported that a grower had pointed a shotgun at them, threatened to kill them, set their picket signs on fire, and blasted their signs with shotgun pellets. Loaded shotguns were fired into picket signs and over the heads of the strikers. Pickets were shoved and hit. Fistfights broke out along the picket lines. Growers drove their trucks directly at strikers, then swerved at the last minute, covering them with dust. Episcopal Bishop Sumner Walters reported being a victim of one of these attacks.<sup>18</sup>

Local police cooperated with growers, though some officers did not like what they were doing. Various investigations were launched into the suspected violations of the health, building, and fire codes at UFW headquarters in Delano. Chavez reported that the fire marshal “hated the politics of his assignment and told us so on more than one occasion.”<sup>19</sup> The license number of every car that stopped at union headquarters was noted. Drivers were often stopped by local police and questioned. Police followed Chavez everywhere he went during the early days of the strike. After a few weeks, every striker on the picket lines was photographed and a field-report card was filled in on him or her.<sup>20</sup>

Chavez knew the strike would be crushed if growers were able to contain the controversy locally. He was continually developing strategies for countering local concentration of power. An early move was to contact a small group of liberals in Bakersfield and have them flood Delano authorities with complaints about the expense involved in official surveillance and petty harassment of UFW members: “[T]he first two years of the strike I [Chavez] spent most of my speaking engagements and my time getting support to get the growers and cops off of our backs. It worked. We once had over a hundred telegrams and maybe 300 phone calls to the Delano Chief of Police in a three-day period.”<sup>21</sup>

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<sup>17</sup> James L. Vizzard, “Grape Strike,” *Commonweal*, May 27, 1966, 295–96.

<sup>18</sup> “Victory in the Vineyards,” *Time*, April 15, 1966, 59–60.

<sup>19</sup> Levy, *Chavez*, 189.

<sup>20</sup> “Victory at Delano,” *America*, April 23, 1966, 579–80; Ronald B. Taylor, “Huelga! The Boycott that Worked,” *The Nation*, September 7, 1970, 167–69.

<sup>21</sup> “Victory at Delano,” *America*, 579.

One of Chavez's first actions was to visit college campuses throughout the state. He spoke at UC Berkeley where memories of the Free Speech Movement disturbances of the previous year were still fresh, and he contacted CORE and SNCC seeking experienced organizers to work as picket captains. Chavez did not meet with unqualified approval wherever he went, of course, despite the fact that he began recruiting outside help by going to those groups thought to be most sympathetic to the farm workers' cause. But he did win many people over: "We're getting help beyond our wildest hope. The labor movement, the churches, the civil rights movement, student groups, are all getting behind us with physical, financial, and moral support."<sup>22</sup>

At first, Chavez concentrated on Schenley Industries since the Schenley name was known nationwide. Chavez and the NFWA launched a boycott of all the company's products. Big labor tended to look askance at Chavez and the NFWA, but it did begin to provide support for the strike. In October 1965, the San Francisco longshoremen respected the Schenley picket lines and, at an AFL-CIO convention in San Francisco, Paul Schrade of the United Auto Workers persuaded Walter Reuther to visit the strike. Reuther came to Delano to present a check for \$5,000 to the NFWA. Chavez actually tricked Reuther into marching through the streets of Delano in defiance of a local order and, in a move that hinged on embarrassing Al Green of the AWOC, got Reuther to pledge \$5,000 a month to the NFWA until the strike was over.<sup>23</sup> Other unions, notably the Garment Workers, the Seafarers, and the Packinghouse Workers, took up collections for the strike and contributions came in from churches, student groups, and other liberal organizations.<sup>24</sup>

In the spring of 1966, the Senate Subcommittee on Migratory Labor was persuaded to conduct a day of hearings in California. The chairman of the subcommittee was Harrison A. Williams, Jr., a Democrat from New Jersey, who had been supporting the interests of farm workers in Congress since 1959 — the year the subcommittee was established — and he was accompanied by Senator Robert Kennedy of New York and Senator George

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<sup>22</sup> "Council of Growers' Statement on Delano," *California Farmer*, January 15, 1966, 11.

<sup>23</sup> Ronald B. Taylor, *Chavez and the Farm Workers: A Study in the Acquisition and Use of Power* (Boston: Beacon Press, 1975), 154.

<sup>24</sup> Miller, "Workers on the Farm," 645–55.



Murphy, a California Republican.<sup>25</sup> Kennedy recognized the NFWA and spoke at one of its meetings.<sup>26</sup> Chavez said the following at the hearings:

Although we appreciate your efforts here, we do not believe that public hearings are the route to solving the problem of the farm worker. In fact, I do not think that anyone should ever hold another hearing or make a special investigation of the farm labor problem. Everything has been recorded too many times already, and the time is now past due for immediate action. Or, some people say education will do it — write off this generation of parents and hope my son gets out of farm work. Well, I am not ready to be written off as a loss, and farm work could be a decent job for my son, with a union. But the point is that this generation of farm labor children will not get an adequate education until their parents earn enough to care for the child the way they want to and the way the other children in school — the ones who succeed — are cared for. . . . All we want from the government is the machinery — some rules of the game. All we need is the recognition of our right to full and equal coverage under every law which protects every other working man and woman in this country.<sup>27</sup>

Chavez was referring to the fact that growers, unlike most other employers, were under no legal obligation to bargain with their employees, since farm workers had been specifically exempted from the terms of the National Labor Relations Act, and only a few farm workers have been affected by federal minimum-wage legislation. In the course of the hearings, Bishop Hugh A. Donohoe of Stockton expressed unanimous support for the strikers on the part of the eight Roman Catholic bishops of California and made an eloquent appeal for full collective bargaining rights for farm workers. The bishops' support for Chavez and the NFWA was extremely important. Not only did the bishops officially support the unionization

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<sup>25</sup> Hearings were conducted in Sacramento, Visalia, and Delano, California, as well as in Washington, D.C., and San Antonio, Texas. U.S. Congress, Senate, Subcommittee on Migratory Labor, "Amending Migratory Labor Laws," Hearings on S. 1864–1868, July 1965, and March–April 1966, 89th Congress, 1st and 2nd Sessions.

<sup>26</sup> Matthiessen, "Organizer," Part 1, 68.

<sup>27</sup> Peter Matthiessen, "Organizer: Profile of Cesar Chavez," *The New Yorker*, Part 2, June 28, 1969, 43–71.



effort, they publicly defended Chavez when Red-scare tactics were used against him. For example, Monsignor George Higgins, an important staff member of the Bishops' Committee, involved, not as official mediators, but as agents in bringing growers and the union together, was quoted as follows: "The Bishops' Committee totally disassociates itself from the view that Cesar Chavez is a communist organizer. [Chavez is] an honorable and dedicated man in the field of trade unionism." Higgins went on to say that the head of the committee, Bishop Donnelly, had been active in exposing and undercutting the communist caucus in the old CIO. Trading on Donnelly's unimpeachable credentials, Higgins asserted, "[N]o matter what paper makes such charges against Chavez, the Committee finds him to be a good and sincere advocate of social justice."<sup>28</sup>

On March 17th, the day after the hearings, Chavez set off on a widely publicized workers' march — or *peregrinación*, as he called it — from Delano to the steps of the Capitol in Sacramento.<sup>29</sup>

Sacramento had become the planned destination for the march the month before when William Bennett, a consumer advocate and member of the State Public Utilities Commission, had spoken in Delano condemning the California Fair Trade Act for underwriting Schenley Corporation's profits from the sale of liquor in the state. The *peregrinación* was inspired in part by the freedom march from Selma, Alabama, that had taken place a year before; but, like a fast that Chavez undertook two years later, it had a religious connotation as well. Its emblem was the Mexican patron saint of the *campesinos*, *La Virgen De Guadalupe*, and the *peregrinación* was to arrive at the Capitol steps on Easter Sunday. Chavez had suggested that the march

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<sup>28</sup> Bishop Floyd L. Begin of Oakland put the farm workers case most succinctly in asserting that all the growers needed to do was agree to "impartially supervised elections." Continued refusal, Begin asserted, "can only question the integrity of the growers' contention and induce more and more people to support the boycott." "Churchmen and Table Grapes," *America*, January 4, 1969, 4; "Bishops Support Cesar Chavez," *America*, May 30, 1970, 574; another strongly worded statement is the following, recorded in "California Bishops and the NLRA," *America*, August 30, 1969, 764: "We feel strongly that genuine, lasting peace will never come to farm management labor relations until farm workers are included under The National Labor Relations Act."

<sup>29</sup> Mark Day, "The Clergy and the Grape Strike," *America*, August 30, 1969, 114–17; "150 Striking Pickers, Delano, California, Begin 25-day, 300-mile Protest March to Sacramento," *New York Times*, March 18, 1966, 78; "March Continues," *New York Times*, March 19, 1966, 60.

should be penitential, like the Lenten processions of Mexico — an atonement for past sins of violence on the part of the strikers, and a kind of prayer.<sup>30</sup>

The growers had a different view of the march. Martin Zaninovich of Delano, for example, called the “pilgrimage” “a parade that is nothing more than a publicity stunt for the benefit of the news media.”<sup>31</sup> Meanwhile, Al Green tried to get the AWOC not to have anything to do with the march. After it was underway, Green moved to Porterville and set up an office next to the Teamsters.<sup>32</sup> Sixty-seven strikers set off on the 300-mile march to Sacramento, where they hoped to meet with Governor Edmund G. Brown, Sr. The progress of the *peregrinación* was slow and ceremonial. As Chavez had anticipated, it received a good deal of support and participation from people along the way, in the form of food and shelter for the marchers. The mayor of Fresno, Floyd Hyde, actually arranged a special luncheon for the marchers with Chicano leaders in the town.<sup>33</sup> At one point during the march, Al Green engineered a local front-page news story to the effect that AFL-CIO members were boycotting the march.

Angered, William Kircher, national director of organizing for the AFL-CIO, contacted Green with the following curt order: “When this march reaches Modesto tomorrow, I want to see a massive AFL-CIO welcome. That’s your home base, that’s where you’re from. I’ll judge how much influence you have in the labor movement by what kind of reception there is for the marchers.”<sup>34</sup>

The biggest rally along the march route was in Stockton. Five thousand people attended. That night Chavez got a call from Schenley representative, Sidney Korshak, who wanted to talk.<sup>35</sup>

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<sup>30</sup> Davis, “Viva,” 589–90; “Religious Motives in Demonstration,” *New York Times*, March 25, 1966, 28.

<sup>31</sup> Vizzard, “The Extraordinary Cesar Chavez,” 19.

<sup>32</sup> Ronald B. Taylor, “A Romance Rekindled,” *The Nation*, March 19, 1973, 366–70; “Pickers Report They Set Up Strike Committees in Towns Along Route,” *New York Times*, March 23, 1966, 48.

<sup>33</sup> Levy, *Chavez*, 213–14.

<sup>34</sup> *Ibid.*, 213–14; “Union President Chavez Lauds Kircher Role,” *New York Times*, April 7, 1966, 1.

<sup>35</sup> “Battle of the Grapes,” *Reader’s Digest*, October 1, 1969, 88–92; “Marchers Rally, Sacramento,” *New York Times*, April 11, 1966, 18; “Schenley Industries Agrees to Bargain with Pickers Union,” *New York Times*, April 7, 1966, 1.

After twenty days on the road, walking from Delano to Sacramento, one of the marchers reportedly said, "If we get to Sacramento and Cesar says we go on to Washington, I say, 'okay,' I go to Washington."<sup>36</sup> The march lasted twenty-five days, and when they arrived on the Capitol steps, in the rain, on Easter morning, they were joined by thousands of supporters and some notable figures from politics and labor. Governor Brown had forsaken notables and *originales* alike in favor of a weekend at Palm Springs with Frank Sinatra. The occasion did not lack a climax, for it was then announced that Schenley had agreed to negotiate a contract. Schenley, it seems, gave in to Chavez and the union mainly to protect its nationally known brand name, but a widely accepted rumor had it that Robert Kennedy worked behind the scenes to get Schenley to sign a contract with the NFWA. The contract, which was signed in June 1966, provided an hourly wage of \$1.75 and a union hiring hall.<sup>37</sup>

With the Schenley success, the strikers turned their attention to TreeSweet, S&W Foods, and the DiGiorgio Company, whose Sierra Vista Ranch occupied 44,000 acres near Delano. Suddenly the Teamsters union, which had provided important support for the strikers in the fight against Schenley, announced that it was prepared to represent the DiGiorgio workers, and the company quickly arranged an election in which workers could choose the Teamsters, Chavez's NFWA, or no union at all. William Kircher personally broke up a press conference arranged by the DiGiorgio Company to announce the election and sought a court injunction to prevent the use of the NFWA's name on the ballot, but the election was held anyway on June 24th. Chavez told his people not to vote.<sup>38</sup> Kircher and Governor Brown came up with the idea that an independent labor arbitrator should look into the situation. Governor Brown ordered an investigation of the situation by Ronald W. Haughton of the American Arbitration Association, and Haughton recommended that a second election

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<sup>36</sup> Vizzard, "The Extraordinary Cesar Chavez," 16.

<sup>37</sup> "Victory at Delano," *America*, 579–80; "Schenley Pact and DiGiorgio Plan," *New York Times*, April 9, 1966, 24; "Schenley Industries Sign 1-Year Pact with NFWA," *New York Times*, June 22, 1966, 33.

<sup>38</sup> Jerry J. Berman and Jim Hightower, "Chavez and the Teamsters," *The Nation*, November 2, 1970, 427–31; "DiGiorgio Corp. Polls Vineyard Workers at 2 Ranches," *New York Times*, June 25, 1966, 31.

be held.<sup>39</sup> Meanwhile, Governor Brown and Senators Robert Kennedy and Harrison Williams asked the DiGiorgio Company to hold off on negotiations with the Teamsters. The NFWA sought a court order to block negotiations between DiGiorgio and the Teamsters. Though both sides had agreed to accept Haughton's proposal and the rules laid down for conducting the election, two tense months of accusations, violence, reprisals, injunctions, and arrests followed. Just a few days after the DiGiorgio Company agreed to elections, the company laid off 190 NFWA people and Teamster muscle men allegedly beat up several people. Kircher called in some musclemen of his own — members of the Seafarers union — to protect NFWA pickets. Among those arrested was Chavez. Having persuaded ten workers to walk off the job at DiGiorgio's Borrego Springs property, northeast of San Diego, Chavez and two clergymen, one Protestant and one Catholic, accompanied them into the ranch to retrieve their belongings and were arrested for trespassing. All of them except the Catholic priest were stripped naked and chained together by some zealous sheriff's deputies.<sup>40</sup>

The Teamsters was the only union that had supported the retention of the bracero program, and, as Chavez saw it, the Teamsters had entered into an alliance with DiGiorgio to work out what is known as a "sweetheart" contract — one that would almost certainly benefit the union and the employer but not help the workers. Under these circumstances, Chavez concluded that he had no choice but to merge NFWA with AWOC, under the banner of the AFL-CIO.<sup>41</sup> Chavez became head of the new union, the United Farm Workers Organizing Committee (UFWOC). One of his first acts was to dissolve AWOC contracts with labor contractors in Stockton. He also made AWOC organizers work for \$5.00 a week — the amount of money NFWA organizers had received. Larry Itliong was the only AWOC organizer to stay on.<sup>42</sup>

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<sup>39</sup> Berman and Hightower, "Chavez and the Teamsters," 427–31; "Labor Expert Will Probe Farm Election," *Los Angeles Times*, June 30, 1966, 27; "New DiGiorgio Vote by Aug. 30 Urged in Report," *Los Angeles Times*, July 16, 1966, 3.

<sup>40</sup> Jerome Wolf, "The Church and Delano," *Commonweal*, April 29, 1966, 168–69.

<sup>41</sup> "AFL-CIO Granting of Charter to United Farm Workers Organizing Committee which includes NFWA," *New York Times*, August 24, 1966, 26.

<sup>42</sup> AWOC organizers were not the only ones to leave when the two unions merged. In fact, NFWA supporters were divided on the merger issue. A number left when the NFWA joined the AWOC and became the UFWOC.

The merger took place in August, before the second election at DiGiorgio, and the last phase of the battle with the Teamsters was extremely vicious. The AFL-CIO, which had expelled the Teamsters in 1957, charged that the Teamsters were controlled by gangsters; and the Teamsters countered that the new organization, the UFWOC, was influenced by an international communist conspiracy.<sup>43</sup> Prevented from picketing at the Sierra Vista Ranch, the strikers held nightly vigils outside the labor camps, at a shrine set up in the back of Chavez's old Mercury station wagon. The workers, some of whom had been recruited by DiGiorgio from as far away as Juárez, Mexico, were proselytized when they came to pray. The second election was held at Sierra Vista on August 30th, and anyone who had worked there for fifteen days or more during the previous year was eligible to vote. The Teamsters already had a large California membership of workers directly dependent on agriculture, and the workers in the packing sheds voted 94 to 43 to join the Teamsters. But the field workers, some of whom had heard about the election in Mexico and had come back at their own expense, voted for the UFWOC by 528 to 328.<sup>44</sup> Martin Luther King, Jr. sent the UFWOC a telegram:

As brothers in the fight for equality, I extend the hand of fellowship and good will and wish continuing success to you and your members. The fight for equality must be fought on many fronts — in the urban slums, in the sweat shops of the factories and fields. Our separate struggles are really one — a struggle for freedom, for dignity, and for humanity. You and your valiant fellow workers have demonstrated your commitment to righting grievous wrongs forced upon exploited people. We are together with you in spirit and in determination that our dreams for a better tomorrow will be realized.<sup>45</sup>

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<sup>43</sup> Russell W. Gibbons, "The Teamsters," *Commonweal*, August 10, 1973, 426–31; "AFL-CIO Aide Kircher Hints Company Favors Teamsters," *New York Times*, August 28, 1966, 58.

<sup>44</sup> "DiGiorgio Corp. Representation Election," *New York Times*, September 1, 1966, 25; "American Arbitration Association Reports UFWOC Won Right to Bargain for Field Workers at 2 DiGiorgio Central California Ranches," *New York Times*, September 3, 1966, 14.

<sup>45</sup> Levy, *Chavez*, 246.

After the DiGiorgio contract for the Sierra Vista ranch was negotiated the NFWA pushed for elections at DiGiorgio's Arvin ranch as well. The Teamsters opposed the NFWA's move, but the NFWA got a majority of workers at the Arvin ranch to sign a petition calling for an election, then presented it to Governor Brown on statewide television. The DiGiorgio Company did not respond. Chavez then came up with the idea of getting Brown to sign a letter to the Arvin workers stating that he had done all he could and suggesting that they take the matter up with the DiGiorgio Company directly. Governor Brown was campaigning against Ronald Reagan at the time. The NFWA did get Brown's signature on the letter, which was then sent to forty of the workers who had signed the petition. They were then called to a meeting and arrangements were made to transport the workers to DiGiorgio Company offices in San Francisco where they would be backed up by a picket line and demonstration when they met with DiGiorgio officials to request an election. The workers met with Robert DiGiorgio and two of his assistants who refused elections on the grounds that the workers were simply being stirred up by outside agitators. The workers who had come to petition for elections stayed in the DiGiorgio offices. They were joined by labor people from San Francisco. Finally, what Chavez had hoped for happened. They were arrested for trespassing, bailed out of jail, went back to the DiGiorgio offices, and were arrested again.<sup>46</sup>

On November 4, 1966, the DiGiorgio Company agreed to hold elections at its Arvin Ranch. The NFWA won the election, but winning only gave them the right to negotiate. Contract negotiations took several months. The contract then went to an arbitrator and was finalized, but enforcement of the contract became a huge problem. Over 100 grievances were filed in the first three months of the contract, many were never resolved.<sup>47</sup> In December 1967, the DiGiorgio Company started selling off its holdings in the Delano area and by 1968 had divested itself of all its holdings there. Consequently, the union lost its contracts.<sup>48</sup>

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<sup>46</sup> "United Farm Workers Wins Representative Election at DiGiorgio Ranch, Arvin, California," *New York Times*, November 6, 1966, 47.

<sup>47</sup> Harold T. Rogers, "On the Labor Front," *American Fruit Grower*, November 1968, 12–13.

<sup>48</sup> "DiGiorgio Fruit Sells Agricultural Holdings, San Joaquin Valley, California," *New York Times*, April 20, 1969, 56.

Nine days after the election at DiGiorgio's Sierra Vista ranch, the field workers walked out of the vineyards of A. Perelli-Minetti & Sons, demanding to be represented by the UFWOC. But the company signed a contract with the Teamsters who escorted three busloads of scabs onto the Perelli-Minetti grounds.<sup>49</sup> After another inter-union struggle, lasting 10½ months, in the course of which a UFWOC picket, John Shroyer, was beaten up, the Teamsters reversed their policy and came to terms with Chavez. In July, 1967, the appointment of Einar Mohn, director of the Western Conference of Teamsters, to the University of California Board of Regents by Governor Pat Brown in 1966 was alleged to have been part of an understanding that the Teamsters would not challenge the Chavez union jurisdiction; and, indeed, though the Teamsters gave the UFWOC trouble, they did not commit themselves to an all-out battle against the UFWOC in Delano.<sup>50</sup> Under a jurisdictional agreement mediated by Father Eugene Boyle, Episcopal minister Richard Byefield, and Rabbi Joseph Glazer, the UFWOC gave the Teamsters representation of certain shed workers in return for representation of all field workers, including those at Perelli-Minetti, whose union contract was at once transferred to the UFWOC.<sup>51</sup> After these developments, Gallo, Almaden, Christian Brothers, and the other large California wineries presented very few difficulties for Chavez. The big wineries, which sell their products under their own nationally advertised brand names, were especially vulnerable to a boycott, and by September of 1968, when the Paul Masson vineyards signed, almost all of them had contracts with the UFWOC.

Meanwhile, the growers of table grapes, who were less vulnerable, continued to resist, and they were unquestionably heartened in November 1966, when Ronald Reagan, who had spoken out against the grape strike from the start of his campaign, was elected governor. In that same month, the UFWOC won another representation election at the vineyards of Mosesian-Hourigan-Goldberg, a relatively small firm in Delano, by a vote of 285 to 38.<sup>52</sup>

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<sup>49</sup> "American Farm Labor Replaces Braceros," *Christian Century*, February 1, 1967, 133.

<sup>50</sup> "Breakthrough for la Huelga," *Time*, June 27, 1969, 18.

<sup>51</sup> Gibbons, "Teamsters," 430–31.

<sup>52</sup> "UFWOC has won Accords with Several Big Companies which Process Grapes into Wine," *New York Times*, October 2, 1967, 43.



After the Perelli-Minetti struggle, the UFWOC went after the table grape growers, starting with the largest, John Giumarra. The UFWOC organized among the workers and when it felt strong enough, started sending letters to Giumarra, requesting a meeting. Ralph Duncan of the State Conciliation Service got Giumarra to send a representative, Philip Feick, to a meeting in Bakersfield. Feick did not budge. The UFWOC initiated a strike August 3, 1967. Four days later Giumarra got an injunction against the UFWOC limiting pickets to two at each entrance to Giumarra property and preventing masses of people from congregating on the road most visible to workers in the fields. The injunction helped break the strike. With the strike broken, the UFWOC turned its energies to a boycott of Giumarra fresh grapes. Giumarra fought back by changing labels and multiplying the number of labels used on his fruit. In violation of Food and Drug Administration rules, Giumarra used the labels of other growers in an effort to circumvent the boycott.<sup>53</sup> It was then that the UFWOC decided to boycott all California fresh grapes, except DiGiorgio's HiColor brand. The boycott was an offensive tactic without the emotional stimulus of immediate action or direct contact with the opposition, but as will be shown, it was an effective economic weapon. In 1968, however, the UFWOC was making little headway. The first wave of representative elections had died out. The table grape growers were stonewalling Chavez and Chavez's followers were debilitated and demoralized by the apparent lack of progress.<sup>54</sup> There was also talk of violence among UFWOC members.

Chavez decided to engage in a ritual act of purification, a fast. At a meeting of the union at union headquarters in Delano, Forty Acres, Chavez announced that he was fasting until such time as everyone in the union ignored him or until union members rededicated themselves to nonviolence and started pulling together again. Chavez's announcement created an uproar. A number of people in the Chavez organization, including the union's

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<sup>53</sup> Mary Lou Watson, "Boycott Seeks to Aid Grape Workers," *Christian Century*, June 5, 1968, 769–70; "UFWOC 2-year Strike Centers on Boycott of Giumarra Vineyards Corp. Products," *New York Times*, October 2, 1967, 43.

<sup>54</sup> The plan growers formulated to take advantage of the UFWOC's stalemated position was reported in *Farm Quarterly* in 1970. It diagnosed the union's problems as they existed in 1968, "The Farm Worker," *Farm Quarterly*, Spring Planning 1970, 56–58.



secretary-treasurer, Tony Orendain, were offended, thought Chavez was playing “Jesus Christ,” and left.<sup>55</sup>

Saul Alinsky was one of a number of liberals and leftists who were embarrassed by Chavez’s decision and found it difficult to explain to allies of the farm workers’ movement.<sup>56</sup> Chavez assessed the fast this way:

After about three or four days, the spirit was definitely there. The Filipino women and the strikers painted the co-op windows with bright colors. They looked like stained glass. Things began to get cleaned up. Everybody began to get things done on their own. They began to think how to help. The rest was just like a miracle — not the fast, but the things that it did to people. It jolted everybody around. We got more than I ever bargained for. The good effects were way beyond my dreams. The work schedule began to pick up, dedication increased, and the whole question of using violence ended immediately.<sup>57</sup>

On the twelfth day of the fast, Chavez had to appear in court in Bakersfield on a contempt of court charge. Marshall Ganz and several of the ranch committees — organizations representing workers on the farms that had contracts with the UFWOC — organized a demonstration at the courthouse. Three to four thousand singing and praying workers entered or surrounded the courthouse. Judge Walter Osborne was reported to have said, “If I kick these workers out of this courthouse, that will be just another example of goddam gringo justice. I can’t do it.”<sup>58</sup>

Robert Kennedy attended the last of the daily masses — the one that marked the end of the fast — a full twenty-five days after Chavez had stopped eating. Kennedy’s visit brought national television coverage. Just six days later, Kennedy announced his candidacy for president. Paul Schrade called Chavez and asked if he would endorse Kennedy and be a delegate to the Democratic convention.<sup>59</sup> The AFL-CIO had come out

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<sup>55</sup> Levy, *Chavez*, 272–78.

<sup>56</sup> *Ibid.*, 272–78.

<sup>57</sup> *Ibid.*, 275.

<sup>58</sup> “Chavez is Charged with Violating Picket Restrictions,” *New York Times*, February 29, 1968, 20.

<sup>59</sup> “Chavez, Upon Urging of Doctors, Agrees to End Fast,” *New York Times*, March 6, 1968, 16; “Sen. R. F. Kennedy Backs Spirit of Movement,” *New York Times*, March 11, 1968, 22.

strongly in support of Johnson. Chavez not only accepted Schrade's offer, but actively campaigned for Kennedy in the rural areas and in East Los Angeles, the Mexican-American neighborhoods of that city. Chavez, in fact, diverted a significant portion of his staff to a voter registration drive for Kennedy. After Nixon was elected, the UFWOC claimed it was "shut out by the feds."<sup>60</sup>

In 1968 the growers tried to back a company union to oppose Chavez, the Agricultural Workers Freedom to Work Association, AFWFA. By that time most growers had resigned themselves to the idea of working with a union of agricultural workers, but they did not want to work with Chavez's union. Most downright hated the man.<sup>61</sup> Jerry Cohen, a former CRLA attorney who had gone to work for the UFWOC and become its general counsel, worked with government people to try to have the AFWFA investigated, because the AFWFA had evidently been funded by growers, the John Birch Society, and the National Right to Work Committee through a dummy organization called the Mexican American Democrats for Republican Action (MADRA). Fear of a federal investigation ended MADRA.<sup>62</sup> Meanwhile, the table grape strike and the boycott were still underway.

The growers suffered severe damage in the course of the boycott. In the Coachella Valley, in five years the action reduced the number of growers from some 200 to around 60, and the acreage from 13,000 acres to 7,500.<sup>63</sup> "It took several years for the boycott to be that effective," recalls Lionel Steinberg, a Coachella Valley table grape grower. "It just gradually closed in like a noose around the necks of the vineyardists."<sup>64</sup> Steinberg was a longtime liberal activist as well, cochairman of Farmers for Kennedy and Johnson in 1960, and an appointee of both President Kennedy and Governor Edmund G. ("Pat") Brown to administrative posts having to do with

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<sup>60</sup> "Pres. Candidate Nixon Urges VP Humphrey to Withdraw Endorsement of 'Illegal' Boycott," *New York Times*, September 6, 1968, 32; "VP Candidate Agnew Scores Nat'l. Labor Boycott," *New York Times*, October 1, 1968, 30.

<sup>61</sup> "More than 100 California Growers and Shippers File \$25-million Suit Against UFWOC," *New York Times*, July 13, 1968, 28.

<sup>62</sup> Taylor, "Huelga! The Boycott that Worked," 167–69; "On the Labor Front," 12–13.

<sup>63</sup> "Contracts in the Coachella," *Time*, April 13, 1970, 21.

<sup>64</sup> "Effectiveness of Union's Boycott in 1968," *New York Times*, June 19, 1969, 32.

agriculture.<sup>65</sup> Through their mutual friend, Congressman Phil Burton, Chavez expressed an interest in meeting with Steinberg, who had favored a grower settlement with the UFW. Late in May 1968, the meeting took place. One can only conjecture about Chavez's feelings as he noticed, in Steinberg's home, that the liberal grower had a collection of pre-Columbian art objects. It may have seemed that Steinberg was expropriating the past and culture, as well as the present labor, of the Hispanic farm workers. (In any event, Steinberg was deeply offended when in a later picket line confrontation, a clergyman supporter of Chavez retorted to Steinberg's statement that Chavez had conversed with Steinberg in his home: "Chavez is not interested in pre-Columbian art!"<sup>66</sup>) At the May meeting, Chavez proposed a unilateral agreement between the UFW and Steinberg, and the latter declined. Steinberg later charged that some of the leadership apparently mistook his conciliatory approach for weakness, and that on a "weakest link" theory his property and workers were singled out for abuse and harassment, threats, and sporadic violence, over the next several weeks. "[A]pparently Chavez didn't appreciate the effort," Steinberg noted dryly. "He was only interested in the end result, which was a contract. And anything else was not helpful. And he had his mind set on one thing — that was winning the battle, winning the strike, not making friends."<sup>67</sup> What is remarkable in this evaluation is not only its naivete. It represents the increasing ambivalence and disaffection of many liberals with Chavez in mid-1968. It represents the utter inability of many of the liberals who questioned Chavez's tactics to understand his hedgehog mentality, his single-minded moral intensity and strategic focus. And it provides a statement of characteristic liberal attitudes: soften and resolve social conflict through friendship, and by calling upon an "old-boy network."<sup>68</sup>

Steinberg reports that although he was forced during this period to sell some of his land and heavily mortgage the rest, he never doubted that the controversy would eventually be resolved to the satisfaction of both

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<sup>65</sup> "L. Steinberg and J. J. Kovacevich Say they will Recognize Union as Collective Bargaining Agent," *New York Times*, June 15, 1969, 58.

<sup>66</sup> Levy, *Chavez*, 298.

<sup>67</sup> *Ibid.*

<sup>68</sup> Joseph Bensman and Arthur J. Vidich, *The New American Society* (Chicago: Quadrangle Books, 1971), 63–115.

sides. He and others continued to press for ongoing talks through Representative Burton, Governor Brown, Senator Tunney, and Senator Edward Kennedy (heir to his now dead brother's interest in the issue). In 1968–69, the Delano table grape growers tried to arrange negotiations with Chavez through various state officials: Allan Grant, chairman of the State Board of Agriculture and president of the California Farm Bureau; Earl Coke, state secretary of agriculture; Jerry Fiedler of the State Department of Human Resources Development; and Ronald Reagan, who offered the services of the State Conciliation Services, but Chavez rebuffed them. As the year passed, those critical of Chavez came to include AFL-CIO President George Meany, Harry Bernstein, labor correspondent for the *Los Angeles Times*, and many of the church groups supporting the UFW table grape boycott.<sup>69</sup>

It was through a working group appointed by the national Catholic Bishops' Conference that talks were resumed. Archbishop Timothy Manning of Los Angeles, and Bishops Hugh Donohoe of Fresno, Joseph Donnelly of Hartford, Connecticut, Humberto Madeiros of Brownsville, Texas, and Walter Curtis of Bridgeport, Connecticut, made up the group, with Monsignor Roger Mahoney of Fresno serving as local secretary and Monsignor George Higgins of Fresno as staff person. The climate of opinion did not seem favorable. Larry Itliong, assistant director of the UFWOC, predicted that the men who had offered to negotiate would "be subject to scorn from certain growers who are determined to destroy the union at all costs."<sup>70</sup> The bishops, nevertheless, met "endlessly" with growers, one to one, and in small groups of various sizes. Meetings were also held with Chavez and his staff. The bishops took the position that they favored trade unionism and collective bargaining, but at the same time that they had no formula for settlement and would not serve as mediators within the bargaining process. The growers, wary of confrontations and media events, mindful of Chavez's access to the general public, were gradually brought around, reassured by the bishops' willingness to sit in on the talks as observers. Talks were resumed, first in the Coachella Valley, then in the Delano region, with Chavez seeming to observers to take evident satisfaction

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<sup>69</sup> National support for Chavez and the UFW was widespread in 1969, and yet, important criticisms began to be voiced by the UFWOC's supporters.

<sup>70</sup> "Breakthrough for la Huelga," *Time*, June 27, 1969, 18.

in the fact that it was the growers who had sued for peace, and that the authoritative conciliatory stimulus and presence was not provided by the administration of Governor Ronald Reagan, to whose officials the growers had repeatedly appealed, but by the church, outside the official legal process, as the farm labor movement had been, and wielding moral authority on behalf of society, the authority to which Chavez had so often sought to appeal.

It was perhaps fitting that the talks be resumed under their form of community sponsorship, since the success of the boycott did not rest upon any demonstration of equivalent strength between the two contesting sides. The structure of support grew gradually but steadily. In some cases, the union forces even managed to drive a wedge between groups traditionally allied within the local community.<sup>71</sup> Church groups and college campuses were used to recruit people to picket markets and leaflet neighborhoods. Letters were written to newspapers. Churches and labor unions provided space for shelter and office quarters. Political candidates and public officials were lobbied to publicly endorse the boycott. Railway union members identified scab shipments. Teamsters refused to handle hot cargoes. A variety of local “secondary boycotts” sprang up, directed against markets and chain stores that handled boycotted grapes, including picketing and sympathy strikes by butchers’ unions. The mobilization of the community was significant. Table grapes are very popular, particularly in California, but at the same time a specialty food that any household could forgo without hardship. Awareness and support ran high. The boycott, as Lionel Steinberg ruefully noted, “literally closed Boston, New York, Philadelphia, Chicago, Detroit, Montreal, Toronto, completely from handling table grapes.”<sup>72</sup>

With the bishops as the crucial link between growers and the union, the UFWOC managed to sign K.K. Larson, Bruno Dispoto, and the Bianco Fruit Corporation, and ended up signing all of the Coachella and Arvin growers. Tenneco Corporation, which had been buying up table grape

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<sup>71</sup> Lawrence T. King, “The Unjolly Green Giant,” *Commonweal*, July 28, 1967, 461; James Lipson, “Victory,” *Labor Today*, May–June 1970, 5–6.

<sup>72</sup> Ronald B. Taylor, “The Boycott and the NLRA,” *The Nation*, May 12, 1969, 591–93.

orchards at a rapid rate, also signed with the UFWOC.<sup>73</sup> Strike fever hit the orchards and ranches throughout the Central Valley. When it looked as if the Delano growers would crack too, the UFWOC geared up for the lettuce crop in Santa Maria and Salinas.

Simultaneously with the successful end of negotiations with the twenty-nine Delano table grape growers, the UFWOC received word that IBT truckers, who had just ended a strike against lettuce growers in the Salinas Valley, were contemplating moving in and organizing field workers there. On July 24th, it was announced that the Teamsters had signed thirty contracts with growers covering field laborers in the Salinas Valley. With the Salinas Valley growers' coordinated action, what was to be a successful strategy of containment emerged full force. Before turning to the Salinas Valley phase of the struggle between farm workers and growers, however, the UFW's ideology will be discussed since it was so important to the organization's ability to widen and nationalize the conflict.<sup>74</sup>

The ideology that animated the United Farm Workers cannot be separated from the person and philosophy of Cesar Chavez, his upbringing, his religious faith, and his experience as a community organizer with the CSO. Ideology in this situation meant a set of beliefs, infused with passion, which sought to transform the conditions of life of a large and distinguishable group of people. It is the yearning for the triumph of a cause, implying the satisfaction of deep moral feelings, which for Chavez had taken practical definition from his work with Ross.<sup>75</sup>

Chavez is not an intellectual, much less a systematic thinker. Yet he is a keen observer, the possessor of strong opinions, tersely articulate, and inclined to cast his experience, as his mother did, in the form of lessons,

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<sup>73</sup> "UFWOC and 2 Coachella Valley, California, Growers Sign 1st Labor Contract Covering Table Grape Pickers," *New York Times*, April 2, 1970, 29; "UFWOC and 26 Growers Sign Contracts," *New York Times*, July 30, 1970, 1; "Labor, 1970," *The Nation*, September 7, 1970, 162–63.

<sup>74</sup> Allan Grant, "The Farm Worker Needs More than Unions," *Farm Quarterly*, Spring Planning 1970, 56–58ff; Don Curlee, "Shattering Table Grape Experience in 1965–66," *Western Fruit Grower*, January 1966, 19ff.; Allan Grant, "California Grapes and the Boycott — The Growers' Side of the story," *California Farm Bureau Monthly*, January 1969, 8–10.

<sup>75</sup> Nicholas C. Mills, "The Whip and the Bee: Diary from the Grape Strike," *Dissent*, Spring 1973, 203–4.

*dichos*, sayings or maxims.<sup>76</sup> In this form, the form in which he communicated his beliefs to his staff and supporters, it is worthwhile to examine the main contours of his ideology.

First, Chavez is a firm believer in the amplitude of time, and the need for that prime virtue of the poor, patience. He understands the large motionless landscape of poverty. At the same time, the patience he favors has two faces. One is passive, or more exactly a willingness to endure in the sense of the suffering servant, for the sake of what is right. The second face is linked to action and struggle on behalf of the right. It may be said that if Chavez does not believe in the inevitability of justice, he does believe that efforts on behalf of justice, even if immediately unsuccessful, do always produce consequences in the amplitude of time.

A second lesson Chavez learned and taught was the need for power to accomplish justice. "I have always had, and I guess I always will have," Chavez said, "a firm belief that if you muster enough power, you can move things, but it's all on the basis of power. Now I seldom like to go see my opponent unless I have some power over him. I'll wait if it takes all my life."<sup>77</sup>

A third counsel was the sharp distinction, and indeed opposition, between power and violence. Chavez recalled for an interviewer that his mother was illiterate, but a firm opponent of violence in all forms, that his father never fought, that his own research into his family tree could uncover no example of a soldier. His own nonviolence, he indicated, was, like his mother's, something he took for granted. He asked for a nonviolence vote and pledge before the first organizing strike of NFWA. When it was pointed out to him that some left-liberal religious spokesmen defended ghetto rioting as insurgency necessary to change the system, Chavez responded: "I don't buy it. How in hell can you get a theologian to accept that one or two or three lives are worth giving up for some material gain? It doesn't stop there; it's just the beginning." Nor was Chavez willing to distinguish between levels of violence: he roundly condemned anti-Vietnam protesters who would resort to even a limited use of violence.<sup>78</sup>

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<sup>76</sup> Levy, *Chavez*, 19.

<sup>77</sup> *Ibid.*, 109.

<sup>78</sup> Bob Fitch, *My Eyes Have Seen* (San Francisco: Glide Publications, 1972), 72; see also Cesar Chavez, "Creative Nonviolence," *Catholic Worker*, June 1969, 4.



A fourth *dicho* is the need for faith. “Today I don’t think,” he reflected, “that I could base my will to struggle on cold economics or on some political doctrine. For me the base must be faith.”<sup>79</sup> Since Chavez was a devoted Catholic, does this mean that for him the base was some sort of orthodoxy? Not exactly. Chavez seems to stand on a boundary between church and world, a boundary that runs through his own life and allows him to judge the world in terms of the church, and the church in terms of the world. Of the church, Chavez says that it was slow in coming to the succor of impoverished farm workers, in providing specifically for their needs from its spiritual and economic treasuries. The Protestants, through the Migrant Ministry, were in the fields first, and faithfully. Yet in a profound sense Chavez contends, the Church is its people, and it is therefore the people’s duty to demand the rightful use of Church resources, and to protect those whose courage as clergy or laity endangers them with Church authorities. “We don’t ask for more cathedrals,” Chavez said in remarks prepared during his twenty-five-day fast. “We don’t ask for bigger churches or fine gifts. We ask for its presence with us, beside us, as Christ among us. We ask the Church to sacrifice with the people for social change, for justice, and for love of brother. We don’t ask for words. We ask for deeds. We don’t ask for paternalism. We ask for servanthood.”<sup>80</sup>

Several of Chavez’s lessons for life can be grouped under the rubric, “The dimensions of solidarity.” First, he was convinced that people could be bound together through mutual aid. “Once you helped people,” he observed, “most became very loyal.”<sup>81</sup> At another point, he said, “I think solving problems for people is the only way to build solid groups.”<sup>82</sup> Second, he believed that if the people themselves define the major goals of an organization, they will make it theirs. Policy participation cements solidarity. Third, an organization should recruit its leadership from new, freshly committed members “at the bottom.” “Fred taught me in organizing,” he recalled, “never to go to the so-called leadership, but to go to the grass roots and develop leaders there. Then we had people who hadn’t sold out.

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<sup>79</sup> Levy, *Chavez*, 27.

<sup>80</sup> Cesar Chavez, “The Mexican-American and the Church,” *El Grito*, Summer 1968, 9–12.

<sup>81</sup> Levy, *Chavez*, 111.

<sup>82</sup> *Ibid.*



We got a whole crop of leaders just as we did in the union later.”<sup>83</sup>Fourth, a fellowship in poverty had the positive advantage of freedom from attachment to material goods and gain, and the motive of fear of loss that possession brings. At the same time, the sacrifices required of the poor are real and immediate, and less subject to sentimental falsification.<sup>84</sup>

A second series of Chavez’s *dichos* can be viewed under the heading of “Leadership.” Chavez saw the office of leadership in terms of morality and psychology, as well as power and strategy. Chavez spoke of the place of both shame and moral emulation, the negative and the positive functions of conscience, in exercising leadership. A good way to get people to do something is to shame them into it, he observed. Conversely, he asserted that the leader should never ask the rank and file to do anything the leader would not do. The leader should be willing to make any sacrifice, including that of his life. Willingness to sacrifice is a direct measure of commitment to a cause, is intuitively perceived by the rank and file, and hence is a true index of a group’s vitality. The leader should be willing to absorb the attacks of others, Chavez believed, noting shrewdly that it can provide excellent opportunities for organizing. Here Chavez approaches Sigmund Freud’s observation that a society’s “cultural super-ego” is made up of the ideals of its despised and slain leaders and heroes. Chavez surely gained much attention and support as a man of peace who walked at the brink, a friend of two assassinated national leaders, who drew upon himself threats and gunfire and the hazards of fasting. One of the signal advantages of the UFW was that Chavez was the only major personality to emerge from the California farm labor organizing struggle — the growers had no comparable spokesman or champion. As Chavez himself lamented, people are drawn to a fight because of its analogy to violence, and miss the meaning and moral drama of principled nonviolent struggle.<sup>85</sup>

Chavez was very sensitive to the problem of goal displacement and organizational sclerosis. From one point of view, this might be seen as a compensation for his always casual and sometimes arbitrary attitudes toward group administration. His appreciation of the problems of an unresponsive organizational bureaucracy, however, goes far beyond lip-service. Indeed,

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<sup>83</sup> Ibid., 117.

<sup>84</sup> Ibid., 5.

<sup>85</sup> Cesar Chavez, “Letter from Delano,” *Christian Century*, April 23, 1969, 539–40.

he sees the triangular relationship between group goals, leaders, and members as the ultimate form of the question of the meaning of the UFW. Organizations are always tempted, Chavez says, to substitute economic and skills resources for commitment, and to expect the former to generate the latter. They are tempted to seek early and easy resort to protection of the state: "When you get into legislation you're playing with a borrowed bat."<sup>86</sup>

If the UFW remains a meaningful organization, it will see that *la causa* is only part of the large cause of social justice. It will refuse to recline silently on its own accomplishments, but will become "a sort of in-group gadfly," he said. It will see social consciousness as an instrument, carrying a responsibility for its use on behalf of other poor and disadvantaged groups. Perhaps the images that Chavez represents might be characterized as a diamond rather than a triangle: group leaders, group members, a range of goals and values that always lie beyond immediate or complete attainment, and alliances with other organizations whose members and leaders share concerns of social equality. Chavez noted that he was a frequent defender of unions, churches, and other reform groups, because of the good things that only organized groups can accomplish. "I've always been kind of — well, the word is not 'religious,' but church-related. I dig it. And so whenever they [the Migrant Ministry] had any meetings, when I could I would slip away and go to their meetings and be with them. It was relaxing. Besides being good people they were very committed and very strong. It was a joy to be there."

As will be shown in the next chapter, UFW ideology was challenged by claims that Chavez and the UFW were leading a social movement, not a legitimate labor struggle, and were thus incapable of efficient administration of the contracts they had won in the San Joaquin and Coachella Valleys.

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<sup>86</sup> Fitch, *My Eyes Have Seen*, 71.

## Chapter 5

# CONTAINMENT OF THE UFW

In late July 1970, even as Chavez planned a march through the Salinas Valley, more growers were signing with the Teamsters.<sup>1</sup> In a quick study of the situation, the UFWOC targeted InterHarvest, a part of United Fruit of United Brands, Freshpict, which was owned by Purex, and Pic'n Pac, owned by S. S. Pierce Company, for its counteroffensive. To make matters worse for the UFWOC, on July 27, 1970, the Council of California Growers announced that 80 percent of the growers in the Santa Maria area had signed five-year contracts with the Teamsters.<sup>2</sup> Chavez had promised staff members working in the East that they could come home once the table grape growers signed with the UFWOC. Chavez felt committed to his promise. That meant replacing them with inexperienced people if the UFWOC planned to redirect its boycott activities against United Fruit, Purex, and S. S. Pierce. The UFWOC was in a very difficult situation. Strikes had never been successful against the growers and the union's boycott apparatus had to be reconstituted.

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<sup>1</sup> "Salinas Agreement Ends Lettuce Strike," *Los Angeles Times*, July 24, 1970, I-3; "Chavez: One Battle Ends, Another Begins," *U.S. News & World Report*, August 10, 1970, 49-51.

<sup>2</sup> "Chavez Protests Teamster Pacts," *The Sacramento Bee*, August 2, 1970, A2.

There were some hopeful signs for the UFWOC, however. Three thousand people participated in a four-day march through the Salinas Valley, at the end of which 659 Salinas Valley workers signed UFWOC authorization cards,<sup>3</sup> two hundred strawberry pickers in Santa Maria went on strike and pledged their allegiance to the UFWOC,<sup>4</sup> and the Franciscans, together with a number of other religious orders, loaned the UFWOC \$380,000.<sup>5</sup>

The UFWOC considered InterHarvest an almost-perfect boycott target for several reasons. United Fruit had expended a great deal of money to get name recognition for the Chiquita Brand not only for bananas, but for others of its agricultural products. The reputation of United Fruit had been badly damaged, at least among leftists and some liberals, because of the company's association with repressive practices in Central America. And bananas not only spoil quickly, but pop when overripe and tightly packed, as in the hold of a ship. The UFWOC, as a consequence, thought to launch a boycott against InterHarvest first, but events overtook it. Spontaneous work stoppages, as well as some orchestrated by UFWOC organizers, broke out in Salinas, Santa Maria, and Oxnard, and growers started firing workers who refused to support the Teamsters. In Salinas, 150 Freshpict workers were fired for refusing to sign up with the Teamsters. The workers met and determined to go on strike, and so Freshpict became the UFWOC's first strike and boycott target. The strike spread to include several hundred workers employed by Freshpict throughout the Salinas Valley.<sup>6</sup>

IBT opposition to the farm workers' cause had been inconsistent. Teamster locals in San Francisco and Los Angeles had supported the grape boycott, but in 1970, the IBT set a clear course in aggressive opposition to the UFWOC.

A bit of history must be recorded to put Teamster behavior in perspective. Food processing is the industrial base of the Teamsters union in California. When railroads made large-scale overland shipment of canned

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<sup>3</sup> "Farm Workers March in Salinas Valley," *Los Angeles Times*, July 31, 1970, I-22; "Chavez March Against Teamsters," *The Sacramento Bee*, August 1, 1970, A6.

<sup>4</sup> Harry Bernstein, "1000 Berry Workers Join Chavez Strike," *Los Angeles Times*, August 12, 1970, I-3.

<sup>5</sup> "Catholic Group Hits Reagan, Murphy on Grape Strike," *The Sacramento Bee*, August 7, 1970, A3.

<sup>6</sup> "Farm Workers Strike Salinas Grower," *The Sacramento Bee*, August 8, 1970, A3; "Chavez Calls Salinas Farm Strike," *San Jose Mercury*, August 8, 1970, 29.

fruits and vegetables possible, corporate food processing entered its modern period. The figures for 1925 and 1961 tell a story of impressive growth. Peak employment in the vegetable and seafood canneries increased from 23,000 to 72,000, the value of the product from \$181 million to over \$1 billion.<sup>7</sup> The substructure of this formidable industry lay in the fields where, in the 1920s and '30s, radical unionists in the tradition of the IWW were active. Their activities disturbed the leaders of organized labor no less than the agriculturalists. The leadership of the State Federation of Labor viewed the threat of "soap-box" organizers with alarm.<sup>8</sup> In 1937, the organizing drive to bring cannery workers into the ranks of labor began. It was swift, energetic, and successful, ending with the signing of a contract between cannery owners and the AFL-CIO. The direct beneficiary of that contract was the California State Council of Cannery Unions, affiliated with the Teamsters. The contract covered 65,000 workers and was signed, on behalf of all the major processors, by California Growers and Processors Incorporated, a consortium that represented the united front of the canning and processing industry.<sup>9</sup> The Associated Farmers gave the historic event their blessing, approving the conservative record of the Teamsters Union and disdaining that of the radical Harry Bridges and the CIO. The Teamsters became the most powerful union in the state, and with a solid base among cannery workers and drivers, guarded their jurisdiction jealously.<sup>10</sup>

The Teamsters were favored by trends in corporate agriculture. Mechanization was driving many harvesters from the fields and into the ranks of the Teamsters, who claimed jurisdiction over any form of agricultural production or processing on wheels. But the Teamsters stopped short of organizing the crop-gathering farm worker, who was seen as migrant and poor, continually threatened by the advance of the bracero system. They were undesirables in whom the Teamsters had little interest. In October 1948, Teamster President Dave Beck, at a meeting called to plan the

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<sup>7</sup> Ernesto Galarza, *Farm Workers and Agri-Business in California: 1947-1960* (Notre Dame and London: University of Notre Dame Press, 1977).

<sup>8</sup> Cletus Daniel, *Bitter Harvest: A History of California Farmworkers, 1870-1941* (Ithaca and London: Cornell University Press, 1981).

<sup>9</sup> Ibid.

<sup>10</sup> Harry Schwartz, "Organizational Problems of Agricultural Labor Unions," *Journal of Farm Economics* (May 1941): 456-66.

organization of the fruit, vegetable, and produce industries, enunciated the following policy: "We want to go back to a certain point and organize . . . so that we can control [the produce row] from the packing shed . . . straight through the consumer." But, he said, "We will not organize field labor. . . . Our union will not accept that jurisdiction."<sup>11</sup>

They had good reasons for this. The Teamsters held contracts with grower–shipper associations whose members were also employers of field labor. Low wages in the fields cushioned the costs of packing, processing, transportation, and warehousing. Organization of harvesters would have hardened the bargaining position of the employers against the Teamsters when their contracts were renegotiated. The labor pool that served the fields and orchards remained notoriously fluid. Teamster drivers depended on peak hauls during the harvest. Field worker organization would only introduce another uncertainty, that of potentially concerted action by the harvesters. Besides, their wages were lower by a wide margin than those the Teamsters had won in the other branches of the food industry, offering little incentive for costly organizing campaigns. Mechanization was making steady inroads into harvesting, demanding more skilled labor at higher wages, and thus creating the conditions which the Teamsters required for profitable organizing. The practical approach for them was to assimilate only those operations in which the harvesters tended the machines and to wait for farm workers to become upgraded technically and, thus, a desirable group to organize.<sup>12</sup>

Teamsters developed the concept of preventive organization, arguing, "if cannery workers can organize the fieldworkers they can prevent any stoppage at the cannery,"<sup>13</sup> but up to the 1940s, prevention was approached negatively. It consisted in combatting rival organizations or keeping them firmly in the hands of the traditionalists in the AFL establishment. Left-wing unionism, however, never disappeared altogether. It held isolated footholds in packing sheds under contract with UCAPAWA, a CIO affiliate, and its successor, the United Packinghouse Workers of America.

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<sup>11</sup> David F. Selvin, *Sky Full of Storm: A Brief History of California Labor* (Berkeley: University of California, Institute of Industrial Relations, Center for Labor Research and Education, 1966).

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

Against this threat, the Federation served the interests of the Teamsters through the control of charters, suspension of locals, and a rigid insistence on bona fide unionism as defined by Haggerty's predecessors in the state federation.<sup>14</sup>

The Teamsters' views on braceros evolved from hostility through tolerance to accommodation. In March, 1954, Dave Beck said that because of "the dismal failure on the part of the Federal Government of policing the border . . . this country is being flooded with cheap labor." He regarded the traffic in illegals as a threat to "the economic health as well as the security of this nation."<sup>15</sup> In 1954, the International Teamsters sounded an alarm, predicting that the braceros would eventually move into the canneries and processing plants.

In 1954, however, it was evident that braceros were undercutting the UPWA and the NAWO but not the Teamsters, so the Teamsters began moving toward the industry's position on the issue. Absent from Teamster statements of that period were criticisms of the bracero operation. This set the Teamsters apart since criticisms were coming from all other branches of organized labor. In 1964, the reversal of Teamster policy was brought out into the open. Einar Mohn, director of the Western Conference of Teamsters, expressed the new view of the IBT's preventive strategy. Mechanization was proceeding at such a rapid rate that skilled workers would soon become "a backbone of the labor force." His union, he predicted, would move in on farm workers in "a big way."<sup>16</sup> In an article published in the *San Francisco Chronicle* on December 30, 1964, Thomas Harris, an analyst for the Western Conference of Teamsters, stated that the Teamsters had a direct interest in the prosperity of the agricultural industry. In related employment there were 500 field workers, several thousand drivers, and some 60,000 cannery and frozen food processing workers who were members of the Brotherhood. "Approximately one-quarter of the 170,000 Teamsters in California are directly dependent for their livelihood and well-being upon

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<sup>14</sup> Ibid.

<sup>15</sup> Kirke Wilson, *A Brief History of the Bracero System and Its Impact on Farm Labor in California* (Pasadena: American Friends Service Committee, Farm Workers Opportunity Project, 1967).

<sup>16</sup> Martin Roysher and Douglas Ford, "California's Grape Pickers Will Soon Be Obsolete," *The New Republic*, April 13, 1968, 11-12.

the prosperity of agriculture in CA. . . . [T]he abrupt termination of the bracero program confronts our agricultural economy with a crisis which jeopardizes the economic security of some 70,000 Teamsters. . . . As for now, many crops can neither be raised nor harvested solely by domestic labor.”<sup>17</sup>

Three years before the Harris testimony was given, the Brotherhood had worked out a model for the reorganization of the agricultural labor force. This model was set forth in a contract negotiated in the spring of 1961 with the Bud Antle Company of Salinas, the largest lettuce grower and shipper in California. On its own acreage the company harvested 8,000 acres of lettuce and 1,300 acres of carrots, apart from what it produced on more than 3,000 acres of leased land. The company recognized the Teamsters as the bargaining agent for all persons employed by it in growing, packing, and harvesting agricultural commodities.<sup>18</sup>

The Bud Antle Company had used braceros for several years before signing the Teamster contract. The Teamsters agreed “to assist the company in obtaining foreign supplemental workers for the Company in its harvesting operations.” In the contract, such supplemental workers were placed in a special category as follows: “Foreign supplemental workers are not subject to any term or condition of this agreement except as they may benefit from the wage provisions thereof and shall be governed solely by the applicable provisions of Public Law 78 and the Migrant Agreement of 1951.”<sup>19</sup>

In a model of inter-institutional coordination, the system of administered labor, proposed by agricultural businessmen and facilitated by a willing bureaucracy, now had the official endorsement of a powerful union.

To Antle, the contract meant a guarantee that his company would “continue to have available . . . an almost limitless supply of good, stable, competent, and willing labor.”<sup>20</sup> From the point of view of the IBT, it protected the job security of 450 permanent employees and Teamster members, by

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<sup>17</sup> Thomas Harris, “The Teamster Position on Bracero Issue,” *San Francisco Chronicle*, December 30, 1964.

<sup>18</sup> A. V. Krebs, Jr., “Agribusiness in California,” *Commonweal*, October 9, 1970, 45–47.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*



keeping domestic harvesters under the discipline of the Teamsters and the braceros under that of the U.S. Department of Labor. On the Teamster side of the inter-union fight shaping up in the Salinas Valley in 1970–71 were William Grami, the Teamster executive who had negotiated the jurisdictional pact between the IBT and the UFWOC in 1967, Ted Gonsalves from the Teamster Cannery local in Modesto, and Einar Mohn, Director of the Western Conference of Teamsters. For the growers there were Herbert Fleming, president of the Grower–Shipper Vegetable Association, and an InterHarvest vice president, William Lauer.<sup>21</sup>

The UFWOC asked George Meany for AFL-CIO endorsement of its actions, but Teamster President Frank Fitzsimmons called him and got him to put it off by saying that the IBT didn't want to be in that "mess" out there anyway. Indeed, the Teamsters, despite their recent contracts, did sound as if they wanted to protect their interests in processing, packing, and trucking agricultural goods. On August 8th, Bill Grami contacted the UFWOC and asked for a meeting. At the meeting between Teamsters Grami and Pete Andrade, head of the IBT cannery division, and UFWOC leaders Chavez, Dolores Huerta, Manuel Chavez, Jerry Cohen, and Richard Chavez, Grami offered to negotiate a new jurisdictional agreement with the UFWOC.<sup>22</sup>

The Teamsters said they were convinced that technological developments in agriculture would decrease the number of farm workers in the fields and increase the number of jobs within their jurisdiction. The two sides finally agreed to let a bishops' committee moderate discussions among the growers, the UFWOC, and the IBT.

Grami led the bishops and the UFWOC to believe that his strategy was to establish contracts with as many growers as possible, offering them terms more favorable than what growers elsewhere had gotten from the UFWOC, then to bargain with the UFWOC, get the jurisdictional agreement the IBT wanted, and try to persuade the UFWOC to accept the terms

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<sup>21</sup> "Is Chavez Union on Brink of Defeat?" *California Journal* 4 (September 1973): 297–98.

<sup>22</sup> Harry Bernstein, "Chavez Union and Teamster Talks Revealed," *Los Angeles Times*, August 7, 1970, I-22; "Teamsters Seek Pact with Farm Workers," *The Sacramento Bee*, August 9, 1970, A4.

of the IBT contracts with growers in exchange for promising to bow out and hand IBT contracts over to the UFWOC.<sup>23</sup>

Later events indicate that Grami did not have the power to deliver IBT contracts to the UFWOC, and it is not clear that Grami ever intended to do so anyway. He may have been using the situation in the Salinas Valley to establish himself in a powerful position so as to advance his own career within the Teamster organization, to score points against Einar Mohn, his immediate superior. According to insiders, Grami and Mohn were allied with different factions within the Teamster organization. Certainly, many of the decisions taken by the IBT in the valley reflect intra-organization Teamster intrigue more than they reflect an interest in the representation of farm workers.<sup>24</sup> The UFWOC did not mind leaving in-the-field processing jobs to the Teamsters, but they did not want to accept the terms of Teamster contracts with the growers, and they did not like or trust Grami and the IBT. Meanwhile, a temporary restraining order was issued by a local judge ordering a halt to picketing at Freshpict, and the San Francisco Court of Appeals turned down the UFWOC appeal of the Freshpict injunction.<sup>25</sup>

After the UFWOC appeal was turned down, Chavez, in a move calculated to win public attention and support, drove to Freshpict headquarters to be served the restraining order personally. The press, of course, had been informed. When Chavez arrived, the doors to the company's offices were closed, but people were inside because it was a regular business day. Chavez wrote a note and held it up to the glass: "I am here to be served the order. Cesar Chavez." Chavez waited and the cameras rolled. The police arrived, then Freshpict President Howard Leach. Leach refused to serve the order, being a party to the action. Policeman Larry Myers refused to serve the order, saying it was the sheriff's job. Finally, Leach got someone from a business nearby to serve Chavez. Leach was extremely discomfited, as was everyone else at Freshpict. As a final public embarrassment, UFWOC

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<sup>23</sup> "Teamsters Struggle with Farm Workers," *The Sacramento Bee*, August 8, 1970, A3.

<sup>24</sup> William H. Friedland and Robert J. Thomas, "State Politics and Public Interests: Paradoxes of Agricultural Unionism in California," *Trans-Action*, May-June 1974, 54-62.

<sup>25</sup> "Farm Workers Begin Salinas Picketing," *San Francisco Examiner*, August 9, 1970, A13.

attorney Cohen got Leach to officially witness the action by signing his name to a statement that the order had been properly served.<sup>26</sup>

As to the negotiations with the Teamsters, Chavez recalled:

The Teamsters agreed we had jurisdiction over all field workers, and Grami agreed secretly to get out. We asked Grami to go to the ranchers who had signed up with the Teamsters to get them to negotiate with us.

In turn, he asked that we hold up the strike for a six-day period so that the ranchers would be able to tear up their old contracts and get together on the new one.

We also came to an understanding that if progress was being made during those six days, we would be willing to extend the strike moratorium another four days.

If there were any disagreements over the pact, the dispute was to be referred to the bishops' committee.<sup>27</sup>

UFWOC attorney Jerry Cohen spoke of the many things that Grami and the IBT agreed to but would not publicly commit themselves to:

There were a whole series of secret agreements that were signed that Grami would not put into the pact for political reasons.

So those secret agreements went to the extent that the Teamsters committed themselves to giving us individual rescissions of their contracts and to helping us in organizational activities. They said they had guys who could help us, and they agreed to honor our picket lines.<sup>28</sup>

Once the jurisdictional pact was agreed to, the UFWOC contacted growers, intending to use the six-day moratorium as leverage in its talks with them. UFWOC negotiations with growers were in the hands of Jerry Cohen, Marshall Ganz, LeRoy Chatfield, and Dolores Huerta. Chatfield immediately — in the middle of the night — called the chairman of United Brands Executive Committee who told him that Will Lauer, United Fruit's vice president of Corporate Industrial Relations, would be given two weeks

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<sup>26</sup> Jacques E. Levy, *Cesar Chavez: Autobiography of La Causa* (New York: W. W. Norton & Co., Inc., 1975).

<sup>27</sup> *Ibid.*, 337–41.

<sup>28</sup> *Ibid.*, 341.

to settle with the UFWOC. Meanwhile, United Fruit had warned every union local involved in handling of bananas that they would be sued for not honoring their contracts, i.e., for supporting a UFWOC boycott. The UFWOC used the threat of a boycott against Chiquita brand to get InterHarvest to respond.

In the first meeting between the UFWOC and InterHarvest, the two sides disagreed on just about everything. LeRoy Chatfield had insisted on a meeting with Lauer immediately. Lauer had been called in the middle of the night and was in contact with Chatfield at 6 AM to arrange an afternoon meeting. Chatfield, Cohen, and Ganz were present. Lauer was under the impression that he was to meet with Chavez, but Chavez did not come to the meeting. Chatfield claimed that the Teamsters had withdrawn, but Lauer said he had no confirmation and insisted on meeting with Grami before proceeding with the UFWOC. The UFWOC wanted elections supervised by the bishops. Lauer agreed but said that InterHarvest wanted the Federal Mediation Service involved as well. The UFWOC asked Lauer to use his influence with the other growers. Lauer responded that there was “most passionate” opposition to the UFWOC and that InterHarvest would have little influence under the circumstances.<sup>29</sup> Marshall Ganz accused InterHarvest of bringing in the Teamsters in the first place. Lauer argued that the Teamsters had come to them. LeRoy Chatfield accused Lauer of lying, but Lauer maintained his position. Ganz complained to the InterHarvest representatives that workers were being intimidated by the company’s supervisors. Robert Nunes, InterHarvest vice president, asked for details and promised to take care of the complaints. Lauer asked if the UFWOC would refrain from strikes and boycotts during negotiations. Cohen responded, “For a time.” When Lauer asked, “How long?” Lauer claimed negotiations would take several weeks, perhaps two months. Ganz yelled, “That’s a lot of bullshit! You signed with the Teamsters like, boom!” and that two months would take it past harvest time.<sup>30</sup> Cohen angrily needled Lauer saying that if the workers were involved in negotiations rather than Allan Grant, the Farm Bureau president, a settlement could be reached

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<sup>29</sup> “Freshpict Foods, Inc. Negotiate with Chavez,” *San Francisco Examiner*, August 23, 1970, A1; “Grower Breaks Ranks, Talks with Chavez,” *Los Angeles Times*, August 23, 1970, A1.

<sup>30</sup> Levy, *Chavez*, 346.

quickly because both sides would know just what the contract really meant. Lauer responded that InterHarvest expected to use the Teamster contract as a basis for negotiations, arguing that growers had made substantial concessions to its workers. Cohen responded that such an idea was an insult and that the Teamster contracts were sweetheart contracts. Lauer asserted that the growers in the area were upset with the whole situation, that some were preparing suits against the Teamsters, and that the Teamsters would probably sue InterHarvest if United Fruit were to develop a relationship with the UFWOC.<sup>31</sup>

The strike moratorium and especially the status of the Teamsters' secret agreements brought widespread confusion. The three parties to the negotiations, the UFWOC, the IBT, and the growers, responded as follows: The UFWOC refused to accept the terms of IBT contracts with the growers. The UFWOC discovered that the contracts had actually been signed before wage rates had been set, and as a consequence felt that the Teamsters had sold out the workers. The UFWOC used this to organize workers, turning them against the IBT's "sweetheart contracts." UFWOC strength among workers, however, was not as solid as it had been in the Delano area. There were many militant pro-UFWOC workers in the area, but a significant percentage of them were migrants and green-carders and by longstanding experience proved to be "soft" support, likely to disappear once a strike began to drag out.<sup>32</sup>

The UFWOC disliked and distrusted both the Teamsters and the growers. Especially after its heady success in the San Joaquin and Coachella Valleys among the grape growers, the UFWOC leadership was militant and contemptuous of the Teamster and grower negotiators in face-to-face encounters with them. The exception was Chavez himself. Chavez had gone on a fast at the beginning of the confrontation with the Teamsters in Salinas, but after only six days had had to call it off because he was too ill to continue. He then left Salinas and went to a Franciscan retreat near San

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<sup>31</sup> "Rival Growers Lawsuit May Halt Chavez Talks with Biggest Packer," *The Sacramento Bee*, August 29, 1970, A2; Harry Bernstein, "Suit Stalls Chavez-Growers Contract Talks," *Los Angeles Times*, August 29, 1970, II-1.

<sup>32</sup> Harry Bernstein, "5,000-7,000 Strike in Largest Farm Walkout in U.S. History," *Los Angeles Times*, August 25, 1970, I-1; "Farm Workers Continue Strike Causing Shortages and High Prices," *San Francisco Chronicle*, August 26, 1970, 1.

Juan Bautista to recuperate.<sup>33</sup> Chavez was there during the moratorium. He received phone calls and consulted with those directly involved in the negotiations, but he had removed himself from direct negotiation. In retreat, Chavez did penance and tried to come to his own conclusions about the situation in Salinas. Chavez was dogmatic, but it would not be fair to say that he was self-righteous and arrogant. Chavez believed that the farm workers' cause was absolutely just and that it was a question of coming up with the right tactics to achieve the ultimate goals of *la causa*. He distrusted both growers and Teamsters and felt each was deeply implicated in the self-serving and unjust system that oppressed farm workers.

The growers' response was mixed. The day after the Teamsters and the UFWOC signed their jurisdictional pact, growers from El Centro and the San Joaquin and Salinas Valleys met with Grami and Monsignor Higgins. Herb Fleming, the president of the Grower–Shipper Vegetable Association and head of one of the largest Salinas companies, was to try to get power of attorney from all the growers with Teamster contracts before the moratorium ended. At the end of the moratorium, Lauer and Higgins reported that there were still very severe problems among the growers. Some growers wanted legal action taken, against the Teamsters if the IBT rescinded its contracts, and against the Teamsters and UFWOC for conspiring to destroy the harvest in the Salinas Valley. Some growers were offended by the role of Monsignor Higgins and the Catholic Church and did not want to bargain through a priest. As Lauer stated it, the InterHarvest–United Fruit position was this: “Even if we get a release from the Teamsters we still take a risk of a suit from other growers. We’re willing to take that risk.”<sup>34</sup>

The Teamsters, however, had not let InterHarvest out of its contracts with them. Grami tried to blame the IBT's failure to rescind its contracts on the growers. Some growers had threatened to sue the IBT if the IBT did not honor its contracts, or rescind all of them together. But growers hinted that the IBT had threatened to sue them for not honoring the contracts. Lauer confessed that he could not understand the Teamster position on

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<sup>33</sup> “Chavez Ends Fast, Must Rest Three Weeks,” *Los Angeles Times*, August 17, 1970, I-2.

<sup>34</sup> “Freshpict Foods, Inc., Negotiates with Chavez,” *San Francisco Examiner*, August 23, 1970, A1.

rescission.<sup>35</sup> Grami seems to have wanted to retain and exercise as much power in the situation as possible and that meant hanging on to the contracts and taking personal credit for having engineered them, or getting Einar Mohn to put his name to the rescission order and thus take the blame for “losing” them.<sup>36</sup> From Lauer’s comments and Grami’s excuses, the UFWOC inferred that Grami had gone to the growers’ meeting and conveyed the message that the IBT would not let growers out of their contracts with the union. Certainly, there were many growers whose animus for Chavez and the UFWOC was very strong and who did not want to do anything that would advance their cause.

Meanwhile, a new kind of trouble was brewing in Delano. The union hiring hall, one of the most important parts of the AFL-CIO’s contracts as far as Chavez was concerned, was creating problems. Workers who had been loyal to the union were given priority over other workers, while others, including green carders and relative newcomers who might have found work through labor contractors were passed over or placed low on the union’s priority list. Employers did not like it, and neither did many of the workers. The UFWOC was blamed. Labor contractors and foremen fought hard for their positions, which had been eliminated under UFWOC contracts, creating more difficulties. A plethora of administrative problems arose and not a few injustices were done.<sup>37</sup>

There was more confusion to add to the confusion at the hiring hall. The workers had to come there to get a dispatch. We weren’t even smart enough to say, “Continue working, we’ll give the dispatches after all this is over.

There were thousands of people waiting, everybody wanted to get dispatched at the same time. No one could work because there were people just squeezed in there. We would be announcing all

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<sup>35</sup> Levy, *Chavez*, ch. 4, “The True Teamster Position,” 352–57.

<sup>36</sup> Edward J. Walsh and Charles Craypo, “Union Oligarchy and the Grassroots: The Case of the Teamsters’ Defeat in Farmworker Organizing,” *Sociology and Social Research* 63 (January 1979): 269–93.

<sup>37</sup> “Chavez and Growers Experiment with Social Justice,” *San Francisco Examiner*, August 2, 1970, A16; “Farm Labor Contractors Support Teamsters,” *The Sacramento Bee*, August 11, 1970, A6; “Farm Labor Fight Hurts All,” *San Diego Union*, August 28, 1970, B10.



day long, sign over here, and get dispatch cards over there. Then the hiring hall had to match the worker with the card already signed in the field. But there were so many cards, they couldn't find them . . . .

Finally things started getting better, They sent me two guys from Salinas who knew what they were doing. After about three or four weeks, it was down to normal.<sup>38</sup>

Back in Salinas, workers loyal to the UFWOC were anxious to strike, but the UFWOC leadership feared that workers in the area were not well enough organized to sustain a long campaign. Both the AFL-CIO and the Church believed that the UFWOC could get contracts with the growers if it held off on a strike and continued negotiating with the growers. They had evidence that Fleming was working with the growers to try to resolve the situation, and Freshpict and InterHarvest were both involved in direct negotiations with the UFWOC, but despite everyone's efforts, on August 21, 1970, the Salinas Valley growers announced they would honor their contracts with the Teamsters.<sup>39</sup>

The next day, however, Lauer contacted the UFWOC and, in a meeting with Cohen and Huerta, announced that the Teamsters had rescinded their contract with United Fruit. Lauer said that United Fruit would immediately arrange for an election to be held among InterHarvest workers to democratically determine which union would represent them. Cohen and Huerta then refused an election and demanded recognition of the UFWOC based on the number of authorization cards the UFWOC had gotten IH–United Fruit workers to sign. Higgins mediated once again and finally a UFWOC workers' committee and the InterHarvest representatives entered into contract negotiations. Bishop Donnelley flew in from the East to assist in negotiations.<sup>40</sup>

At a big rally, the UFWOC finally called a strike, excluding United Fruit–InterHarvest as a target, of course. Chavez, still at the Franciscan retreat, was worried about the boycott. He had kept UFWOC organizers in charge of the grape boycott on the job by stalling their homecoming,

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<sup>38</sup> Levy, *Chavez*, ch. 5, "Bedlam in Delano" (Richard Chavez recalls), 359–63.

<sup>39</sup> "New Chavez Strike Looms in Salinas," *San Francisco Chronicle*, August 22, 1970, 4.

<sup>40</sup> "Breakthrough for Farm Workers," *San Francisco Examiner*, August 28, 1970, 1.



but realized that sooner or later he would have to honor his promise to let them come home and replace them with new people to run the boycott of corporations with holdings in the Salinas Valley.

The strike continued as talks with InterHarvest broke down and as growers filed suits against the UFWOC to restrain the UFWOC from picketing. In response, the UFWOC began to organize a sit-down strike among workers. Scattered violence erupted and became more and more commonplace. The UFWOC's general counsel, Jerry Cohen, was badly beaten on the Hansen Ranch by a man later identified as a Teamster.<sup>41</sup>

John M. Fox, chairman of the board and chief executive officer of United Fruit, flew in from the East Coast to meet with Chavez. Chavez talked tough and kept the pressure on. On August 26, 1970, Chavez initiated a boycott against Chiquita brand. Bill Kircher called Chavez to appeal for a delay of the boycott while IH-UF was still negotiating, but Chavez refused. Chavez also extended the strike to cover Bud Antle's farm. Antle had had a union contract with the Teamsters for ten years.<sup>42</sup>

Just as InterHarvest and the UFWOC finally reached agreement on the terms of a contract, Lauer got word that Pic'n Pac had obtained a court order requiring InterHarvest to show cause why it should not be permanently enjoined from signing a contract with any other union. The AFL-CIO, however, interceded with the Teamsters on behalf of United Fruit and got the Teamsters to promise to release UF from its contract with them.<sup>43</sup>

To actually get the rescission of the InterHarvest–Teamster contract that the Teamsters had promised, John Fox had to fly to California, cool his heels in Einar Mohn's outer office, and in general “come begging for it.”<sup>44</sup> United Fruit wanted very much to sign with the UFWOC. The Teamsters wanted to hang on to their contracts, but the AFL-CIO exerted pressure on the IBT to sign the rescission agreement. Mohn exacted his pound of flesh from Fox and then notified Pic'n Pac at which time Pic'n Pac filed suit

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<sup>41</sup> “Reports on Violence Mar Salinas Farm Strike,” *The Sacramento Bee*, August 30, 1970, A6.

<sup>42</sup> “Chavez Seeks Support in Lettuce Ban,” *The Sacramento Bee*, August 27, 1970, I-A2.

<sup>43</sup> “Chavez Signs Pact with Large Salinas Farm Inter-Harvest, Inc.,” *Los Angeles Times*, August 31, 1970, 1.

<sup>44</sup> Levy, *Chavez*, 395.

against InterHarvest. But finally, on August 30th, 1970, InterHarvest and the union reached agreement.

One of the main things the company wanted was for Chavez to “clarify” statements he had made to the press about United Fruit, especially with regard to the company’s dealings in Latin America. Lauer freely admitted that United Fruit had a bad image in labor relations,” but asserted that it had been working hard to change the company’s image, especially in Latin America, and it wanted Chavez to make it clear to the press that United Fruit had negotiated a liberal contract and that the company was a friend to the UFWOC — in fact the only corporate grower friend the UFWOC had in the Salinas Valley. Chavez admitted that signing such a good contract with InterHarvest made it more difficult to organize other workers. In fact, Chavez hesitated to sign for fear that only InterHarvest would sign with the UFWOC.<sup>45</sup>

Local grower reaction against InterHarvest’s signing with the UFWOC was strong. “They’re from Boston,” local growers were quoted as saying. “It’s a conspiracy to put the local growers out of operation. InterHarvest has no interest in the valley, just in making money.”<sup>46</sup> Some Teamsters and smaller growers started picketing InterHarvest the day after InterHarvest and the UFWOC reached agreement on the contract. InterHarvest was completely shut down for nine days. Other workers began to worry that if they were under a UFWOC contract, they would not be able to work.<sup>47</sup>

As more rough-looking Teamsters began showing up in the Salinas Valley, members of the San Francisco chapter of the Seafarers Union were called in once again to protect UFWOC organizers. Threats and random, petty violence, bomb threats, rock throwing incidents, broken windshields, flat tires, nails dropped in driveways, were the order of the day. In early September the UFWOC was holding nightly rallies with Chavez in attendance most of the time, and Kircher was meeting Einar Mohn. Growers charged UFWOC pickets with intimidating their workers and engaging in violence. The Citizens Committee for Agriculture held a rally of its own

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<sup>45</sup> “Chavez Signs Pact with Inter-Harvest,” *The Sacramento Bee*, August 31, 1970, I-A1.

<sup>46</sup> “Salinas Lettuce Strike in 9th Day,” *The Sacramento Bee*, September 1, 1970, A2.

<sup>47</sup> “United Farm Workers Contract Causes Inter-Harvest Plant at Salinas to Close,” *San Jose Mercury*, September 1, 1970, 1.

which attracted 2,500 people. Teamster caravans of men cruised towns, spoiling for a fight.<sup>48</sup>

With regard to the other growers being struck, the UFWOC, AFL-CIO officials, Monsignors Higgins and Mahoney, and Teamsters Mohn, Grami, and Andrade met with inconclusive results. On September 11th, however, L. H. Delfino, an artichoke grower in Watsonville, recognized the UFWOC. On September 15th, Bill Grami told the press that the Teamsters were signing new workers and considering chartering a statewide farm workers local. Two more growers recognized the UFWOC, however.<sup>49</sup>

On September 16, 1970, Superior Court Judge Anthony Brazil granted permanent injunctions against picketing to thirty growers, on the grounds that the situation in Salinas was a jurisdictional dispute between two unions.<sup>50</sup> The UFWOC was thus forced to switch from picketing to boycotting. The UFWOC had been trying to use the threat of a boycott to force negotiations with growers, knowing full well that its boycott apparatus was not strong and that it would have to recruit new boycotters.<sup>51</sup> On September 18th, however, Pic'n Pac (S. S. Pierce) announced it was ready to recognize the UFWOC if its workers chose to be represented by the UFWOC. On September 21, 1970, a delegation of Salinas Valley growers met in Sacramento with Assembly Speaker Robert T. Monagan (R-Tracy) to ask for legislation on farm labor unions.<sup>52</sup>

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<sup>48</sup> "Teamsters Strike Grower Who Signed Farm Labor Pact with Chavez," *Los Angeles Times*, September 1, 1970, I-3; "Chavez Calls Salinas Atmosphere 'Vigilante,'" *The Sacramento Bee*, September 6, 1970, A2; "Chavez Asked Attorney General to Take Over Law Enforcement," *Los Angeles Times*, September 6, 1970, A-A; "Salinas Police Deny Chavez Charge of 'Breakdown in Law Enforcement,'" *Los Angeles Times*, September 7, 1970, I-1.

<sup>49</sup> "Purex Seeking Negotiations with UFWOC," *San Jose Mercury*, September 5, 1970, 29; "Freshpict Foods, Inc., Negotiates with Chavez," *San Francisco Examiner*, September 5, 1970, 3; "2nd Major Grower Will Talk with Chavez," *The Sacramento Bee*, September 5, 1970, A2; Harry Bernstein, "Large Salinas Valley Grower Agrees to Recognize Chavez," *Los Angeles Times*, September 5, 1970, I-1.

<sup>50</sup> Nicolaus C. Mills, "Eagle over the Lettuce Fields," *Commonweal* (November 6, 1970), 140-41.

<sup>51</sup> "Temporary Halt on Boycott," *America*, April 10, 1971, 362.

<sup>52</sup> "Farmers in Salinas Area Have Little Defense Against Chavez," *San Francisco Examiner*, September 21, 1970, 1.

As the Salinas Valley harvest neared its end, the UFWOC had managed to sign contracts with InterHarvest, Brown & Hill Tomato Packers, Fresh-pict, Delfino, Pic'n Pac, and D'Arrigo, but the harvest season ended with violence and the jailing of Chavez. On September 23rd, in Santa Maria, three UFWOC members were arrested for shooting a Teamster organizer. The victim, shot seven times, recovered. Chavez in a public statement condemned the violence. Chavez, having violated the court injunction against boycotting Bud Antle products, was arrested and ordered to remain in jail until he had notified all UFWOC supporters to stop the boycott against Antle. Chavez refused.<sup>53</sup> The UFWOC organized a jail vigil, Coretta King visited Chavez in jail and, at the request of Paul Schrader of the UAW, so did Ethel Kennedy. After he had been jailed for twenty days, the California Supreme Court ordered Chavez's release pending a review of the case and later ruled the injunction unconstitutional.

After the violence and confusion of the fall 1970 harvest, the AFL-CIO engineered talks with the growers and the Teamsters the following spring. The UFWOC declared a moratorium on the lettuce boycott while the sides talked.<sup>54</sup> After five months of negotiations, the UFWOC leaders were convinced that the negotiations were not being conducted with an eye toward settlement. By November, 1971, the negotiations had collapsed completely.

In 1971, the UFWOC felt compelled to respond to a series of legislative initiatives sponsored by the Farm Bureau and other allies of the growers, not only in California, but in Oregon, Washington, Idaho, Arizona, New York, and Florida. Jerry Cohen spent time in Oregon lobbying and organizing to defeat that state's bill. Chavez himself moved to Arizona to fight what he defined as repressive legislation there. He moved into the Phoenix barrio and went on another hunger strike. Senator George McGovern, campaigning for president, visited Chavez there as did Coretta King. Chavez ended a twenty-four-day fast at mass attended by 5,000 people, including Joan Baez and Robert Kennedy's son, Joseph. Then it was back to

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<sup>53</sup> "Salinas Farms Quiet as Lettuce Boycott Begins," *San Jose Mercury*, September 22, 1970, 1A; Harry Bernstein, "Growers Open Drive Against Union Boycott," *Los Angeles Times*, September 23, 1970, I-18; "UFWOC Pickets as Farm Talks Cease," *San Jose Mercury*, September 24, 1970, 55.

<sup>54</sup> Ron Harley, "Labor Unrest in the Salad Bowl," *Farm Quarterly*, November–December 1970, 58–60.

California to try to defeat Proposition 22, a ballot initiative written by the Farm Bureau.<sup>55</sup>

In February, 1972, the UFWOC received its charter from the AFL-CIO marking its change in status from an organizing committee to a full-fledged union. The UFWOC became the UFW, the United Farm Workers union.<sup>56</sup>

By 1972, the political climate outside California was beginning to take its toll on the UFW in behind-the-scenes maneuvers.<sup>57</sup> Three of the five members of the NLRB were Nixon appointees, and the NLRB's new chairman, Edward B. Miller, was strongly anti-labor. The UFW legal staff anticipated a federal effort against the union emanating from the Board. Cohen in particular suspected that the Board would try to prove that the UFW represented workers in commercial packing sheds in which case the NLRB could rule that UFW workers came under its jurisdiction and could outlaw use of the secondary boycott. When the UFW got involved in a boycott of nine small wineries in the Napa Valley, NLRB general counsel, Peter Nash, went after the UFW on just such grounds. The UFW's response was to attack the Republican Party, putting especially heavy pressure on Jacob Javits and Edward Brooke, two Republicans it thought would respond. Once again, the UFW appealed to its friends. Senator Edward Kennedy charged the Nixon administration with using federal agencies to harass the UFW, as did the Congressional Black Caucus, Spanish-speaking congressmen, and other liberals. Nash dropped the charges in exchange for a UFW agreement to stop the boycott.

The Teamsters had supported Richard Nixon in his 1968 bid for the presidency, and in 1971 Nixon, it is believed, worked out a deal with Frank Fitzsimmons to get Jimmy Hoffa released from prison. But to assure his release, Hoffa agreed not to participate in union affairs for a decade. A

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<sup>55</sup> "Crippling Farm Workers," *The New Republic*, September 16, 1972, 10; Ron Harley, "The Furious Controversy Over New Farm Labor Laws," *Farm Quarterly* (September 1972): 26–27.

<sup>56</sup> "United Farm Workers Organizing Committee is Accepted as Member Union by AFL-CIO," *New York Times*, February 22, 1972, 22.

<sup>57</sup> The Nixon Administration's first proposal for bringing farm workers under a national labor relations law was reported in: "The Wrath of Grapes," *Time*, May 16, 1969, 24. Chavez's response is recorded in: Cesar Chavez, "Nonviolence Still Works," *Look*, April 1, 1969, 52–57.

measure of the chumminess between the Nixon White House, the IBT, and Nixon's long-term backers, the growers, was the fact that the White House set up a meeting between Fitzsimmons and the Farm Bureau at a Farm Bureau convention in Los Angeles just after Nixon's landslide victory in 1972.<sup>58</sup>

On December 29th, 1972, the California Supreme Court ruled that the UFW's Salinas Valley lettuce strikes had been lawful and the injunctions against the strike invalid. The language of the decision stated that it was an "uncontradicted" fact that it was the growers who approached the Teamsters, and that it was "undisputed" that the Teamsters "did not represent a majority, or even a substantial number" of the field workers.<sup>59</sup> Nonetheless, three weeks later, the Teamsters renegotiated their contracts with a total of 170 major vegetable growers including those under contract in the Salinas Valley. It was several weeks before George Meany denounced the Teamster action.<sup>60</sup>

In December of 1972, it became clear to the UFW that the Teamsters would move in on the UFW's contracts with the grape growers in the San Joaquin and Coachella valleys when they expired in April 1973. On April 15th, all of the Coachella Valley growers but Steinberg and Larsen signed four-year contracts with the Teamsters upon the expiration of UFW contracts.<sup>61</sup> Steinberg & Larsen signed one-year contracts with the UFW that provided for a hiring hall run jointly by the UFW and the company involved. The UFW called a strike April 16th, and the growers went to court to get injunctions against the strike. In five days, 300 UFW pickets had been arrested. The Teamsters were in the valleys and once again there were reports of widespread intimidation and violence. On July 22nd, there were reports that UFW supporters in jail in Fresno County were beaten. A few

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<sup>58</sup> Ronald B. Taylor, "A Romance Rekindled," *The Nation*, March 19, 1973, 366-70; "Campaign to Boycott Lettuce," *U.S. News & World Report*, August 28, 1972, 51; "Boycott Report," *The New Yorker*, September 2, 1972, 20-21.

<sup>59</sup> Taylor, "A Romance Rekindled"; "Campaign to Boycott Lettuce," 51; "Boycott Report," *The New Yorker*, September 2, 1972, 20-21.

<sup>60</sup> "Farm Labor: New Phase," *The Nation*, January 29, 1973, 133; Taylor, "A Romance Rekindled."

<sup>61</sup> Shortly after the agreements were signed, a packing shed owned by one of the growers who had signed with the Teamsters was burned to the ground. "Again la Huelga," *Time*, May 7, 1973, 79.

days later, Kern County deputies beat UFW pickets at the Giumarra Ranch, using billy clubs and mace as a confrontation between Teamster guards and the pickets broke out. Two hundred and thirty pickets were arrested. In all, 3,589 people were arrested including 70 priests and nuns who were jailed. Meany called the Teamsters' actions "the most vicious strikebreaking, unionbusting effort I've ever seen in my lifetime. We're going to do anything that's necessary to keep that union alive."<sup>62</sup> On August 9th, the Teamsters agreed to meet with Chavez. A great deal of pressure had been applied by top AFL-CIO executives, clergyman, and others. AFL-CIO general counsel Al Woll and AFL-CIO Vice President Joseph Keenan were there, but in the evening of the first day of talks, twenty-nine Delano growers signed contracts with the IBT. This was after Fitzsimmons had given his word to George Meany that no more contracts would be signed until after talks were held to try to resolve the conflict. The next day Fitzsimmons and Einar Mohn repudiated the contracts signed by the Teamster area supervisors.<sup>63</sup>

Violence ensued again. Two UFW supporters were killed, one of them shot. On September 1, 1973, the UFW called off its strike and dispersed 500 farm workers to cities across the country to participate in a boycott. The boycott was not a great success, and so Chavez and the UFW tried other tactics as well. During this very difficult period, the potentially divisive issue of race was raised in an aggressive and forthright manner by UFW staffers as a weapon against the Teamsters. Cohen began referring to the Teamsters as a "white man's union."<sup>64</sup>

In the following year, in an effort to solidify their power, the Teamsters began to change their tactics. By 1973, the Teamsters had seven field offices in California staffed with well-paid, experienced personnel to handle grievances and to provide a wide range of services to Teamster members. Teamster organizers were also beginning to consult with workers before negotiating contracts for them. In 1973, workers covered by UFW contracts

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<sup>62</sup> "More UFWOC Members Arrested in San Joaquin Valley," *New York Times*, July 23, 1973, 21.

<sup>63</sup> "Teamsters Union Repudiates its Contracts with San Joaquin Valley Grape Growers," *New York Times*, August 11, 1973, 52.

<sup>64</sup> "Chavez Pickets Again," *Christian Century*, January 17, 1973, 64; "Chavez Strikes Again," *Newsweek*, January 17, 1973, 64ff.



numbered fewer than 5,000, whereas Teamster contracts covered 55,000 field workers during the peak harvest season. More and more, workers who had supported the UFW and “in spirit” continued to do so, came to prefer the Teamsters because the Teamsters could assure them work.<sup>65</sup> This was the context in which the AFL-CIO and the Teamsters continued to try to hammer out an agreement. The months of September, November, December, January, February, March, and April went by, the boycott continued, and the see-saw battle between Meany and Fitzsimmons over the UFW dragged on, punctuated by news bulletins that announced first an agreement, then a lack of agreement, then mutual challenges and criticisms.

On November 27, 1974, the *San Francisco Chronicle* reported the following:

Former Modesto Teamsters Union leader Theodore J. (Ted) Gonsalves has been sentenced to one year in prison for illegally soliciting and accepting payments from growers to combat the UFW’s organizing drive in the Salinas Valley four years ago. Gonsalves pleaded “no contest” to five charges of violations of federal laws concerning payments from employers to union officials.<sup>66</sup>

In December, the UFW took another tack, filing suits against the Teamsters for damages totaling \$700 million, and the burden of UFW legal action against the Teamsters became a significant factor in the contest between the two unions.

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<sup>65</sup> Walsh and Craypo, “Union Oligarchy,” 269–93.

<sup>66</sup> “Teamsters Leader Gets Prison Term,” *San Francisco Chronicle*, November 27, 1974.



## Chapter 6

# CRLA: BROADENING THE CONFLICT

A leading consequence of the Civil Rights Movement was the decision of the Kennedy Administration to make poverty a central issue in the 1964 elections. Drawing upon a surge of feeling for national unity in the wake of the assassination of President Kennedy, Lyndon Johnson was able to draw upon broad support, although support was confined in Congress rather strictly to the Democratic party, to win passage of the Economic Opportunity Act of 1964. The act was designed to gain national commitment, high visibility, and assured funding for a range of complex and experimental programs designed to provide assistance principally in the fields of education, literacy, health care, and legal services.<sup>1</sup> Since the principle of “maximum feasible participation” of the poor entailed a transfer of political power from established institutions such as city governments, schools, and welfare agencies, the War on Poverty was beset by controversy and struggle from the outset, and within one year the Vietnam War was gravely undercutting its funding.<sup>2</sup> The Office of Economic Opportunity (OEO)

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<sup>1</sup> Sar A. Levitan, *The Great Society's Poor Law: A New Approach to Poverty* (Baltimore: The Johns Hopkins Press, 1969).

<sup>2</sup> John C. Donovan, *The Politics of Poverty* (New York: Pegasus Press, 1967) provides an excellent analysis of Johnson's ill-fated poverty program. Daniel Patrick

shunned assistance to unionization efforts, but the chances of unionization were perhaps enhanced by OEO programs and the climate in which they grew. The impetus for unionization, however, would have to come from below and from outside government. Still, the OEO programs reflected a distinct stage in the progress of the farm workers' struggle for recognition and equal treatment. Fuller recognition of farm workers' rights as citizens and workers was something effective legal advocacy might achieve. To this task, California Rural Legal Assistance (CRLA) addressed itself.

With the creation of CRLA the federal government lent support to the farm workers' cause. The government's reasons for getting involved were highly political, but with the funding of CRLA, the government became an active participant in the spread of conflict. Though financed by the federal government, CRLA was conceived by private citizens — middle-class, liberal reformers who wanted to practice "preventive law" on behalf of farm workers. The original proposal to fund CRLA was drafted by James D. Lorenz and Daniel Lund. Lorenz was a Harvard Law School graduate in his mid-twenties who was, at the time, an associate attorney with O'Melveny and Myers, a prestigious corporate law firm in Los Angeles. Lund, also in his twenties, was a Yale University Divinity School student who had been organizing farm workers in the San Joaquin Valley. Lorenz had gotten interested in organizing a legal services program to benefit farm workers through his involvement, dating from June 1965, with the Emergency Committee to Aid Farm Workers. He wanted to do a survey of laws affecting farm workers, but had received little encouragement and assistance with that project and so turned to a consideration of a legal services program instead.<sup>3</sup>

The origins of CRLA stand in marked contrast to the origins of the UFW. Lorenz was interested in the legal problems of farm workers but initially thought only of doing a survey and analysis of the problems. He was quickly caught in the legal services movement, but the need for such an activist program as CRLA emerged from a professional, even academic, interest. He was eager to make a mark on his profession. He compared working at O'Melveny and Myers to "leaving footprints in wet sand" and

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Moynihan presents the case against community action in *Maximum Feasible Misunderstanding* (New York: Macmillan Co.-Free Press: 1969).

<sup>3</sup> Interview with James D. Lorenz in CRLA files, dated 1966.

chose the farm workers' cause to make his mark because "this was an area for a social entrepreneur."<sup>4</sup>

CRLA appealed to national legal standards. The original plan, as formulated by Lorenz, was to uphold the legal principle of formal equality for farm workers who were not getting fair treatment under state and federal laws. CRLA was set up to help the rural poor in general, but its focus was the California farm worker. A particular interpretation of the principle of equal justice was pushed by CRLA's first deputy director, Gary Bellow, a legal scholar and practitioner of poverty law. Bellow had earned an LL.B. at Harvard Law School and a master's degree in criminal law at Northwestern University. Intent on becoming a criminal defense attorney, he had gone to work for the Public Defenders Agency in Washington, D.C., where his talents were recognized, and he was rewarded with an appointment as deputy director. In 1964 Bellow was named Young Lawyer of the Year by the Washington Bar Association.<sup>5</sup> In Washington, Bellow met Jean and Edgar Cahn, attorneys closely associated with the fledgling legal services movement and advocates of political activism on the part of attorneys. Through the Cahns, Bellow became interested in the use of lawyers to help organize poor communities. When the United Planning Organization, a nonprofit corporation in Washington, decided in 1964 to sponsor a legal services program, Bellow helped write their proposal for submission to the Ford Foundation. The UPO's Neighborhood Legal Services Program (NLSP) was eventually funded, and Bellow persuaded a graduate school friend, Earl Johnson, to join it as deputy director.<sup>6</sup>

With his interest in legal services and community organizing heightened, Bellow left the public defender agency and joined the UPO in April 1965. As the UPO's administrative and later, deputy director, he was responsible for training community organizers, coordinating organizational efforts, and building political strategies around such issues as welfare, housing, and community planning. His work led him directly into such activities as organizing tenant groups and conducting rent strikes. Through

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<sup>4</sup> James Lorenz, Daniel Lund, and H. Michael Bennett, "Proposal to Aid Farm Workers and Other Poor Persons Residing in the Rural Areas of California," submitted to the Office of Economic Opportunity in March 1966.

<sup>5</sup> Biography of Gary Bellow, document in CRLA files.

<sup>6</sup> Interview with Gary Bellow in CRLA files, dated 1967.

this experience, Bellow became convinced that the full potential of legal services as an organizing tool was not being effectively used. NLSP seemed to be misdirecting its energies.<sup>7</sup>

A debate ensued over the interpretation and application of national legal values. The original concept behind legal services can be called the “service model.” Here the idea was to increase the availability of legal services to poor people so that they would be adequately represented within the political and economic system. Neighborhood legal offices would help individual clients with problems stemming from such things as landlord-tenant relations, wage garnishments, welfare, consumer credit, and family relations. This model assumed that the social order was fundamentally sound, with the legal services program solely a means of ensuring that grievances of poor people were heard by the proper authorities. This has been the attitude traditionally adopted by the American Bar Association (ABA) and other bar groups.<sup>8</sup> The service model generally led to extremely heavy caseloads as legal services offices tried to help every client who came through the door. But a more fundamental problem, as Bellow saw it, was that lawyers who were overwhelmed by heavy caseloads might fail to see areas where the law itself would have to be reformed before the poor could obtain equal justice.<sup>9</sup>

This realization led many proponents of legal services to endorse the “law reform model.” This model emphasized rule change and the representation of groups of poor people as well as service to individual clients. Based on the example of *Brown v. Board of Education*, the objective of legal services under the law reform model was to establish broad legal principles and change administrative rules in a way that relieved the plight of poor people. The basic instrument for this purpose was the test case, which was

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<sup>7</sup> Jerome E. Carlin and Jan Howard, “Legal Representation and Class Justice,” *UCLA Law Review* 12 (1965): 381–437.

<sup>8</sup> Edgar S. Cahn and Jean C. Cahn, “The War on Poverty: A Civilian Perspective,” *Yale Law Journal* 73 (July 1964): 1316–1341; Edgar S. Cahn and Jean C. Cahn, “What Price Justice: The Civilian: Perspective Revisited,” *Notre Dame Law Review* 41 (1966): 927–60; Jerome E. Carlin and Jan Howard, “Legal Representation and Class Justice,” *UCLA Law Review* 12 (January 1965): 417; A. Kenneth Pye, “The Role of Legal Services in the Antipoverty Program,” *Law and Contemporary Problems* 31 (Winter 1966): 220–21.

<sup>9</sup> Ed Cray, “Social Reform Through Law,” *The Nation*, October 14, 1968, 368–72.

brought to attack unfair practices of government agencies or private companies and to establish new rights for the poor.<sup>10</sup>

In 1964–65, most lawyers in the legal services community espoused some combination of service to clients and rule change, with increasing emphasis on the latter.<sup>11</sup> Gary Bellow, however, believed that both models were inadequate. He came at the problem from a different perspective:

I had been a criminal defense lawyer and then had gone to UPO where for a year and a half we did street organizing . . . I saw legal services as an arm of community organizing — that is, the lawyer was to function as part of a political effort — at times as a lawyer, at times as an organizer, an educator, teacher, and PR man.<sup>12</sup>

Bellow was particularly sensitive to what he saw as the shortcomings of the test case law reform model.

The worst thing a lawyer can do — from my perspective — is to take an issue that could be won by political organization and win it in the court. And that is what Legal Services did all over the country. They took the most flagrant injustices — the ones that had the potential to build the largest coalitions — and they took them into the courts, where, of course, they won. But there was nothing lasting beyond that.

If a major goal of the unorganized poor is to redistribute power, it is debatable whether judicial process is a very effective means toward that end . . . “rule” change without a political base to support it just doesn’t produce any substantial result because rules are not self-executing; they require an enforcement mechanism. California has the best laws governing working conditions of farm laborers in the United States. Under California law workers are guaranteed toilets in the fields, clear, cool drinking water, covered with wire-mesh to keep flies away, regular rest periods, and

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<sup>10</sup> “Law Reform Should be the Top Goal of Legal Services,” OEO Press Release 67-51, March 18, 1967.

<sup>11</sup> National Legal Aid and Defender Association, “1966 Summary of Conference Proceedings” (Chicago: National Legal Aid and Defender Association, 1966), 45.

<sup>12</sup> Bellow interview.

<sup>12</sup> Bellow interview.

a number of other “protections.” But when you drive into the San Joaquin Valley, you’ll find there are no toilets in field after field, and that the drinking water is neither cool, nor clean, nor covered. If it’s provided at all, the containers will be rusty and decrepit. It doesn’t matter that there’s a law on the books. There’s absolutely no enforcement mechanism. Enforcement decisions are dominated by a political structure which has no interest in prosecuting, disciplining or regulating the state’s agricultural interests. It’s nonsense to devote all available lawyer resources to changing rules.<sup>13</sup>

According to Bellow, the lawyer should devote himself to the creation of a mechanism that would produce substantial and lasting change in government and in private behavior.

This is inevitably a political as well as a legal problem. We can try to generate pressures on the parties involved by bringing public attention to the problem, or try to develop sanctions for non-compliance with existing laws, or attempt to develop institutional mechanisms to keep the problem visible. Sometimes we can achieve these results with a law suit. Sometimes a legal decision can produce conforming behavior. But, what happens when we go away — when the pressure abates? Legal victories can be so easily circumvented. If one avenue is blocked, five other alternatives remain open.

Bellow believed that when lawyers left the communities in which they were working, they should leave behind poor people who were organized to keep the pressure on. He felt that legal services should be based on the model of the “lawyer-organizer” who would provide legal services to the effort to organize poor communities. In cases where no organizational efforts were underway, this might mean that the lawyer would himself function as the organizer. Bellow explained how he thought lawyer-organizers should operate. Even though they might use test cases and other tools of the law reformers, their aims and methods would be quite different:

If litigation is directed toward the different goal of organizing, the potentials and methods in pursuing a law suit significantly change.

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<sup>13</sup> Bellow interview.

In such a context, law suits can consciously be brought for the public discussion they generate, and for the express purpose of influencing middle class and lower class perspectives on the problems they illuminate. They can be vehicles for setting in motion other political processes and for building coalitions and alliances. For example, a suit against a public agency may be far more important for the discovery of the agency's practices and records which it affords than for the legal rule or court order it generates. An effective political challenge to the agency may be impossible without the type of detailed documentation that only systematic discovery techniques can provide. It is on this base that coalitions and publicity can be built, and that groups can be organized to limit previously invisible authority.<sup>14</sup>

Early in 1966, Bellow decided to look for a position where he would be closer to the actual delivery of legal services and would have a better opportunity to try out his ideas. He joined CRLA.

Sargent Shriver, then head of the OEO, decided to support the CRLA proposal. In fact, CRLA was funded at 50 percent above the amount originally requested only two months after the proposal was submitted. The grant, however, was not without restrictions, obvious concessions to powerful conservative political opinion on the subject of legal services and the farm workers' movement. CRLA was prohibited from representing any unions. It was expressly barred from having an office in Delano, California, headquarters of Cesar Chavez's farm workers' organization and the center of the grape strike that began in 1965. And CRLA was also limited to representing persons earning under \$2,200 per year, with an additional \$500 allowed for each dependent.<sup>15</sup>

CRLA was chartered under California law in 1966, the year of the election of Ronald Reagan as governor of California. It was to serve as one of some 250 OEO legal service programs. Although the board of the California Bar Association was unwilling to support the proposal drawn up by Lorenz and Lund, the proposal was backed by a number of liberal, farm

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<sup>14</sup> Bellow interview.

<sup>15</sup> *Justice for the Rural Poor Through California Rural Legal Assistance* (Los Angeles: CRLA pamphlet, ca. 1967).

labor-oriented groups, including the Mexican-American Political Association, the Community Service Organization, and the Committee to Aid Farm Workers.<sup>16</sup> CRLA's thirty-three-man board of directors, selected by CRLA Executive Director James Lorenz, included Cesar Chavez, Larry Itliong, president of the Agricultural Workers Organizing Committee, Oscar Gonzales, president of Alianza de Campesinos and the United Farm Workers union in San Jose, Violet Abscher, a farm worker, and a number of urban liberals — Irving Lazar, executive director, the Newmeyer Foundation; Abraham Levy, an attorney for the Agricultural Workers Organizing Committee; Cruz Reynoso, assistant counsel to the Fair Employment Practice Commission; Fred Schmidt, professor at the Institute of Industrial Relations, University of California, Los Angeles; Carlos Teran, judge of the Los Angeles Superior Court; and Gordon Winton, state assemblyman from Merced, California. CRLA's original board clearly represented organized farm workers and urban liberals.<sup>17</sup>

CRLA was able from the outset to offer premium legal services at low cost. Of its thirty-two attorneys serving in the home office and nine rurally located field offices, twenty-four graduated with honors, and twenty made law review. All of the nation's most prestigious law schools were represented on its staff. Whereas the average per-hour fee of associate attorneys in California in the late 1960s was \$25, the "fee" or cost of CRLA attorneys, including overhead, was \$10.43 per hour. The agency handled, in the late 1960s, 15,000 cases per year, approximately one-third concerned with consumer and employment problems. Clients were not charged fees, but had to meet an eligibility standard.<sup>18</sup>

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<sup>16</sup> Resolution adopted by the Board of Governors of the State Bar of California, April 21, 1966.

<sup>17</sup> Harry P. Stumpf, *Study of OEO Legal Services Programs: Bay Area, California*, (OEO Contract 4096) (September 15, 1968), vol. 2, 59.

<sup>18</sup> *Justice for the Rural Poor Through California Rural Legal Assistance*; CRLA, "Report to the Office of Economic Opportunity and CRLA Board of Trustees on Operations of the California Rural Legal Assistance, May 24, 1966–November 25, 1966, In Support of Application for Refunding," (December 6, 1966); CRLA, "Report to the Office of Economic Opportunity and CRLA Board of Trustees on Operations of the California Rural Legal Assistance, December 1967–September 1968, In Support of Application for Refunding," (October 1968); CRLA, "Narrative and Budgetary Portions of Refunding Request to the Office of Economic Opportunity for Grant Year 1970."



A number of things contributed to the eventual success of CRLA: one of the most important reasons for CRLA's success was the quality of the staff, but its scope of operation was vital as well. From the outset, Lorenz intended to establish a statewide operation. This structure dramatically differs from the typical neighborhood firm, or the neighborhood firm with university connections envisioned by the Cahns.<sup>19</sup> CRLA's statewide base insulated it from local pressures and the fact that Lorenz chose CRLA's initial board of directors afforded the agency independence from local bar associations. Lorenz argued that "any rural legal service program, if it is to be effective, must find some way of insulating its attorneys and clients from local community pressure."<sup>20</sup>

In his original proposal, Lorenz outlined his projected organization. The central office was to be staffed by an executive director, a deputy director, a community relations director, researchers, and various others including bookkeepers, legal secretaries, and clerk typists. The research staff would, at first, consist of one research supervisor, one attorney editor, one research aide, and one secretary. Lorenz proposed to staff the regional offices with one experienced directing attorney, one attorney, and four or five non-lawyers, community workers, investigators, legal secretaries, and clerk typists.<sup>21</sup>

The research staff would study long-range problems of the poor, and would also provide a vital service to the regional offices by writing appellate briefs, drafting legislation, preparing special forms and documents, and formulating "broad, but intricate, strategies" to aid the rural poor.<sup>22</sup>

Links to the client community were to be forged by bilingual community workers. They were to provide "valuable information on the problems, organization, and leadership" of the client community, and to acquaint the poor with the "programs and potential of CRLA."<sup>23</sup> The community workers, "most of them former farm workers, all of whom were well

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<sup>19</sup> Harry P. Stumpf, *Lawyers and the Poor: A Comparative Case Study of Bar-Program Relations in Two Counties (OEO Contract 4096)* (September 15, 1968), vol. 2, 226–315.

<sup>20</sup> Lorenz interview.

<sup>21</sup> Lorenz interview.

<sup>22</sup> Lorenz interview.

<sup>23</sup> Lorenz interview.

acquainted with the problems and politics of rural California,” were to act as investigators, translators, limited advocates, and middlemen to public agencies.<sup>24</sup> In effect, community workers were the link between CRLA’s middle-class lawyers and the poor community. The community workers consisted largely of members of the United Farm Workers union.

Citizens’ Advisory Committees were set up in each of the regional offices as well. These indigenous groups were to act as sounding boards for complaints, to provide information about the community and to consider office policies “peculiarly affecting the client community,” especially in such areas as case load limitations, office locations, and hours.<sup>25</sup> Further, the Advisory Committees would aid in community education and attempt to bring poor people together around issues that affected them in common. Most of all, Citizens’ Advisory Committees would help to satisfy national OEO’s requirement of maximum feasible participation of the poor.

CRLA also intended to draw on the law schools to further its objectives. Law students and professors were to be a source of professional manpower outside the program. And it was hoped that they would create an atmosphere conducive to the teaching of poverty law within law school, which in turn would create interest in the practice of poverty law and provide a pool of qualified and informed lawyers from which legal services could draw their staffs. Individual legal scholars from various law schools became consultants to CRLA on specific cases or legal problem areas, and law professors were encouraged to assign pertinent research problems as paper topics for their classes.<sup>26</sup>

Soon after CRLA’s original funding proposal was submitted to the OEO in March, 1966, the board of governors of the State Bar adopted a resolution condemning the proposal. The State Bar objected to CRLA’s departure from “the concept of neighborhood legal service offices established and operated by residents of local communities,” and CRLA’s intention to offer “its services to political and economic groups as well as individuals.” One strongly worded paragraph of the resolution read: “The proposal is basically one of militant advocacy on a state-wide basis of the contentions of one side of an economic struggle now pending. Ostensibly designed to

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<sup>24</sup> Lorenz interview.

<sup>25</sup> Lorenz interview.

<sup>26</sup> Lorenz interview

furnish only legal services to the poor, the proposal encompasses the furnishing of political and economic aid.”<sup>27</sup>

Clinton Bamberger, national director of the Office of Legal Services, commented at the time that “advocacy of the contentions of one side of an economic struggle now pending” was about the best one-line definition of the War on Poverty that he had heard. Sargent Shriver, director of the OEO, called the president of the State Bar, John Sutro:

And Mr. Sutro said to me that these lawyers might be useful to and used by the poor in suits against the growers. And I said, well, I thought that was quite possible and that, in fact, that was the point, that what we were trying to do was give them help which would equalize or help the situation. And I said to him then what did he protest about that? I said, “Look, I’ll make an agreement with you. If you will agree that no lawyers in California will represent the growers, I will agree that no legal service people will represent the pickers.” And that was the end of the argument.<sup>28</sup>

Only the Santa Clara Bar Association recognized CRLA, six local bars took no stand, and the Stanislaus County Bar Association brought suit to enjoin CRLA from opening an office in Stanislaus County. The Stanislaus County Bar Association charged that it was illegitimate for CRLA to practice law as a corporation, that CRLA intended to hire non-attorneys to solicit business; and that CRLA was operating contrary to the intent of Congress in adopting the Economic Opportunity Act in that CRLA was not locally sponsored or subject to local controls. A temporary restraining order was passed, but the Bar’s application for the injunction was denied.<sup>29</sup>

The Fresno County Bar Association originated an alternative legal services program, Fresno County Legal Services (FCLS), under the perceived threat that CRLA would otherwise locate one of its regional offices in Fresno County. FCLS policies were set by a governing board,

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<sup>27</sup> Resolution adopted by the Board of Governors of the State Bar of California, April 21, 1966.

<sup>28</sup> Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc., *Hearings*, Reporter’s Transcript (April 26, 1971) (hereinafter cited as *Commission Hearings*).

<sup>29</sup> Stanislaus County Bar Association v. California Rural, Legal Assistance, Inc., Stanislaus County Superior Court No. 93302, filed October 7, 1966.

whose members were principally drawn from the county bar association. It would not be unfair or inaccurate to say that FCLS was generally responsive to the values and goals of the county bar association, and more generally to the “influentials” in the civic life in Fresno County. The Fresno County Bar Association funded FCLS with the help of some federal funds.

In keeping with its orientation to traditional and private-sector values, FCLS relied upon the initiative of individual clients in seeking out the program’s services. Allies of FCLS have included the conservative Fresno County Bar Association, the California state government administration of Governor Ronald Reagan, various members of the Fresno community, and the dominant organized interest groups of Fresno County, which are oriented to agricultural interests.

FCLS literature proclaims the organization’s commitment to “the traditional time-tested American methods of organized local community action to help individuals, families, and communities help themselves.”<sup>30</sup> FCLS took individual client-initiated lawsuits. With almost no exception, class action suits were not developed.

The organization’s views on poverty and the law reflect traditional values concerning individual responsibility and initiative, client–attorney relationships, private property, and the entrepreneurial practice of the law. Local control, through the local bar association and FCLS’s governing board, have meant that the larger social reform objectives of OEO Legal Services have been essentially ignored — even though FCLS adopted the coloration of reform through use of “Legal Services” in its title.<sup>31</sup>

CRLA did, however, negotiate an agreement of understanding with the California State Bar Association in 1967 that served as a basis for local bar association representation on CRLA’s board of directors.<sup>32</sup>

CRLA’s planners had two basic ideas: (a) that the law firm had to be organized on a statewide basis to insulate it from local community pressures and (b) that, anticipating political opposition, CRLA had to provide the

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<sup>30</sup> Harry P. Stumpf, *Study of OEO Legal services Programs*.

<sup>31</sup> Harry P. Stumpf, *Lawyers and the Poor*, vol. 2, 226–315.

<sup>32</sup> Letter from A. S. Halsted, Jr., for State Bar of California, to James D. Lorenz, Jr., Director, CRLA, June 2, 1967; Response from James D. Lorenz, Jr., June 15, 1967.

highest quality legal representation and impeccable internal administrative, particularly budgetary, procedures in order to survive.<sup>33</sup>

By January 1967, nine CRLA offices were in operation up and down the state of California along with poor people's advisory committees to identify potential problems, act as a liaison with the poverty community and minorities, and to protect CRLA against those who might attack it in the name of the poor. CRLA quickly became embroiled in local political intrigue and opposition. In Marysville, for example, the local director of the Welfare Department, Mary Quitariano, had been appointed by the local Board of Supervisors with the understanding that she would cut back on the welfare department budget. Quitariano did indeed make cuts, but the methods she used were not within the letter of the law. CRLA's Marysville staff filed twenty-eight fair hearing appeals with the State Department of Welfare on behalf of clients who had been denied benefits by the Welfare Department. The first hearing upheld CRLA's client. Quitariano appealed the decision. When the Sutter County Taxpayers Association got wind of the ruling and appeal, it convinced the Board of Supervisors to hire an attorney to represent Quitariano, and persuaded the supervisors to write a letter to Governor Reagan charging CRLA with "harassment" of county officials and urging Reagan to cut off CRLA's funds. William P. Clark, Jr., wrote back to the Sutter County Board of Supervisors that the governor did not have the authority to cut off CRLA's funds, but reassured it that Reagan would keep an eye on CRLA and do what he could at the proper time. A measure of CRLA's competence and the need for its services is reflected in the fact that twelve of the first thirteen rulings made by the State Department of Welfare went against Quitariano.<sup>34</sup>

Publicity over the cases caused Reagan considerable embarrassment. At a state Republican convention in Anaheim, on September 24, 1967, Reagan brought up the Sutter County Welfare Department situation, charging that CRLA had used "taxpayers' money [to harass] a county welfare office

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<sup>33</sup> Bennett interview.

<sup>34</sup> "Reagan's Aide Pledges Look at Legal Group," *The Sacramento Bee*, August 9, 1967, A4.

to the point where that county's board of supervisors [had] to hire a lawyer at \$35 an hour to protect its county welfare director."<sup>35</sup>

At an October 3rd press conference in Sacramento, Reagan was asked by newsmen how he could construe CRLA's welfare appeals as "harassment" when his own State Department of Social Welfare had thus far decided 12 out of 13 appeals in favor of CRLA's clients. It would seem, said the reporter, that Reagan's quarrel was really with his own State Welfare Director.<sup>36</sup>

At the local level, CRLA also devoted attention to devising situations whereby the consciousness of the rural poor might be engaged and raised. When it became evident that a Bakersfield water company — a privately owned utility — would lose litigation to CRLA's clients, Chicanos who had been forced to pay virtually extortionate rates for non-potable water, while the same company provided pure water at lower rates to Anglos in the same city, the firm sought an out-of-court settlement. CRLA agreed, as long as the settlement included compensation of all Chicano users of the system and the company arranged and appeared before a mass meeting of the Chicano community in a large auditorium, explained the unjustness of the policy, apologized, and pledged never to resume the policy.<sup>37</sup>

CRLA was not content to fight its battles for the rural poor at the local level. CRLA's strategy was to exploit the possibilities for legal confrontation. A prime target was Republican Governor Ronald Reagan and his administration. In the summer of 1967, CRLA brought suit against the Reagan Administration to block the governor's cuts in California Medicare matching funds. The suit was filed in late August and decided in CRLA's favor by the California Supreme Court in November. The suit resulted in the restoration of a quarter billion dollars in state expenditures for the poor in California. The Governor received a considerable amount of unfavorable publicity in relation to the suit. In August 1967, Reagan had announced that the Medicare cuts were necessary because the program was running

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<sup>35</sup> Carl Greenberg, "Reagan Calls War on Poverty Spending in State Failure," *Los Angeles Times*, September 24, 1967, A1.

<sup>36</sup> "Reagan Backs Welfare Director, Hits CRLA," *Appeal Democrat* (Marysville-Yuba City), October 3, 1967, 1.

<sup>37</sup> CRLA, "Rural California: Hope Amidst Poverty," (San Francisco: CRLA document, 1969).

a projected deficit of \$200 million. As it turned out, the program ran a \$50 million surplus — after the cuts were restored.<sup>38</sup> CRLA made much of this, asserting that it revealed the basis for Reagan's policy in class bias, though CRLA was more tactful in putting it to the press.

Also in the summer of 1967, CRLA filed suit against the U.S. Department of Labor to get the department to fulfill the requirements of the law with regard to the importation of Mexican braceros. For many years, California growers had "imported" Mexican workers, called braceros, and then sent them back to Mexico after the harvest. This practice was halted by Congress in 1964, when it repealed the law under which the bracero program had been authorized. This action did not, however, end the use of the labor of Mexican nationals. There were several complicated ways in which Mexicans could work in California fields; one of the least complicated was authorized under the Immigration and Nationality Act. The secretary of labor could promulgate regulations under which the Bureau of Employment Security (BES) could authorize the issuance of temporary entry permits to Mexican farm workers, after determining that a sufficient number of domestic workers were not available at fair pay and working conditions. Mexican workers who entered the U.S. under such authorizations continued to be known as braceros.<sup>39</sup>

The UFW was concerned about the potential use of these braceros as strike-breakers, and barriers to union organization. Moreover, U.S. workers were being hurt by the growers' deliberate attempts to foster a shortage of domestic workers, and thus meet the legal criteria for certification of braceros. The growers often exercised their influence to deny housing to local workers, to pressure the county welfare agencies into cutting off benefits for unemployed workers, and also used other devices to drive unemployed farm workers out of their areas.<sup>40</sup>

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<sup>38</sup> "Why Reagan's Mad," *The New Republic*, October 21, 1967, 13. The suit against the Reagan Administration and the U.S. Department of Labor was *Morris v. Williams*, 67 Cal.2d 733, 63 Cal. Rptr. 689 (1967). Don Harris, "Reagan Hit for Call to Ignore Court," *Los Angeles Citizen*, September 15, 1967, 1.

<sup>39</sup> "Braceros in California," CRLA press release, September 19, 1967.

<sup>40</sup> "Reagan Backs Prison Labor in Tulare Visit," *The Bakersfield Californian*, October 5, 1967; Harry Bernstein, "Few on Welfare Rolls Found for Farm Jobs," *Los Angeles Times*, October 9, 1967; "Braceros Use is Eyed if Harvest is Late," *The Fresno Bee*, May 12, 1967.



The union's concern meshed well with CRLA's sense that there was a need for a thorough exposé of conditions in the fields, as well as for a big dramatic case. Accordingly, early in 1967, CRLA lawyers began to gather evidence to attack the problem of braceros. It was clear to CRLA that most growers were not meeting the minimum standards outlined in the regulations. (Indeed, some CRLA lawyers, according to Gary Bellow, found it difficult to believe that the regulations were meant to be enforced at all, since they proposed standards that were known to be far beyond the level of the growers' practices.)<sup>41</sup> If the BES could be convinced that the growers were failing to meet the standards, it would be forced to deny any requests for certification. The Modesto office of CRLA made an agreement with G. E. Brockway, BES regional administrator, that Brockway would not act on any certification requests until he had notified CRLA. The lawyers would then have a chance, during the three-week period that the BES needed to check on growers' compliance with the law, to present their evidence of growers' failures to meet legal standards.

Requests for Bureau of Employment Security certification were officially made by the California Department of Employment, after it had evaluated growers' requests. In the late summer of 1961, the most urgent requests were coming from the tomato growers in the central part of the state, an area covered by CRLA's Modesto and Salinas offices. One Department of Employment request, dated September 6, was refused by BES for lack of supporting evidence. But on September 8, for reasons that are not clear, the regional administrator approved another application for certification for 8,100 braceros — without any supporting evidence and without notifying CRLA.<sup>42</sup>

This sudden action provoked a swift reaction from CRLA. The next day, Sheldon Greene of the Modesto office and Bob Gnaizda of the Salinas office went to court on behalf of nine farm workers who were not union members, but were sympathetic to Chavez, and filed suit against Secretary of Labor Willard Wirtz, claiming that the Labor Department had violated its own rules by making the certifications. They were granted a temporary restraining order, with a full hearing set for the 12th. In the Department of

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<sup>41</sup> Bellow interview.

<sup>42</sup> "California Expects to Get by This Year Without Braceros," *The Fresno Bee*, September 27, 1968, B4.



Labor, from the secretary on down, there was a good deal of concern about the suit and the department entered into settlement negotiations.<sup>43</sup>

The CRLA lawyers were then faced with a very difficult decision as to whether they should settle. Their problem was compounded because Gary Bellow, deputy director and the lawyer closest to Cesar Chavez, was on the East Coast. He participated actively in the decision via telephone because the handling of this case went to the heart of CRLA's philosophy and its relations with the UFW. The issue was clearly marked out. The union's position was conveyed to the CRLA's lawyers by Dolores Huerta, UFW deputy director: go to court and get everything into the public record, even if that meant losing the court case. The CRLA lawyers involved in the case were split — all but Greene and Bellow wanted to settle. Bellow remembers that there were strong arguments on each side, as the issue was debated within the CRLA.<sup>44</sup>

The arguments for the union concentrated on the effect of the case on organizing efforts. First, it was important to make Wirtz look bad; only if the situation were highly polarized would there be public pressure on Wirtz to tighten up enforcement of the labor laws — not only about the use of braceros, but about the situation of several other classes of Mexican workers in the U.S. It was more important to Chavez to keep the situation polarized than to stop this particular group of 8,100 braceros. Moreover, the organizing effort would be hurt if it looked as though the U.S. government would win the workers' battles for them. Chavez was also suspicious of a settlement because he feared that it would not be effectively enforced.<sup>45</sup>

On a more positive tack, the union people argued that the suit itself presented great organizational potential. When the suit came to a hearing, busloads of workers would come in as witnesses to describe conditions in the fields. The experience would help to break down the workers' isolation, give them confidence, and advertise the efforts of the UFW.<sup>46</sup>

A divisive element in the argument was the union's questions about who was in charge here. The CRLA people were lawyers, but they were supposed to be serving the needs of farm workers. Since it was the workers

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<sup>43</sup> Ortiz v. Wirtz, No. 47803 (N.D. Cal. 1967), filed September 8, 1967.

<sup>44</sup> Bellow interview.

<sup>45</sup> John Osborne, "The Poor Betrayed," *The New Republic*, February 13, 1971, 13–15.

<sup>46</sup> Ibid.

who had to live with the consequences of any action, the union argued that it was their judgment of their best interests that should prevail. Moreover, Chavez believed that they would in fact win in court.<sup>47</sup>

The lawyers concentrated on their professional position in making their arguments for settling out of court. Most important to them, the affidavits, gathered that summer, describing conditions in the fields, were technically deficient. Almost all of them were too imprecise to withstand attack by a clever lawyer. The CRLA lawyers felt that they would be personally implicated in the presentation of a case with such weak evidence. They believed that they could get a good settlement since the Labor Department would not be aware of their doubts, and that such a settlement would be enforced.<sup>48</sup>

There was also a difference of opinion about tactics. Bob Gnaizda thought that a favorable settlement would be a good organizing tool. It would generate a great deal of favorable publicity and would show the farm workers that even the Labor Department now acknowledged their strength. The lawyers pointed out that there was more to lose than just one case. CRLA's leverage with the Labor Department and with other powerful groups would be sharply diminished if they lost on such a direct challenge. As Bellow admitted, "Our aura of invincibility was important."<sup>49</sup>

One of the lawyers' most powerful arguments concerned the welfare of the clients. The best interests of those individuals were more likely to be served by a reasonable settlement than by a losing court fight. And the lawyers' first responsibility was to their clients, not to the political potential of the suit.<sup>50</sup>

Bellow pointed out that other factors as well were important to the lawyers. The divided responsibility for the suit had triggered tensions between Sheldon Greene, who had been in charge of the investigation, and the lawyers at the Salinas office, who were now complaining about the quality of the evidence that had been gathered. Greene believed that the case was good and should go to court, but the defensive overtones of his response made his argument less convincing than they might have been. This general air of tension, added to great uncertainty about the outcome,

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<sup>47</sup> Bellow interview.

<sup>48</sup> Bellow interview.

<sup>49</sup> Bellow interview.

<sup>50</sup> Bellow interview.

led people to want a quick end to the haggling. This attitude was evident in the reactions at CRLA's central offices. Dan Lund and Mickey Bennett wanted to contribute, but were frozen out of the decision-making because of the technical way in which the dispute was presented. Jim Lorenz, who was a lawyer, both understood the issues and was deeply torn by the disagreement. He used his energy to try to mediate within the organization.<sup>51</sup>

Bellow was the only lawyer who effectively espoused the union's position. He dealt with the other lawyers basically in lawyers' terms. He argued that CRLA *could* win in court, that the case as a whole was much stronger than the individual affidavits. He further argued that the union was the real client in the case, not the individuals. Bellow recognized the force of the argument he was opposing, however; he believed that no case should be "politicized" without the client's consent, or when such an action could work against the client. Bellow also worked to counteract the lawyers' worries about loss of credibility. He argued that the institutional position of CRLA depended on avoiding the label of "compromisers." The only way CRLA could work would be if "we were the people who were not afraid."<sup>52</sup>

CRLA decided to accept an out-of-court settlement. Bellow finally gave in to the other lawyers' concern about the quality of their case and their clients' welfare and then directed CRLA's efforts toward a good settlement.

CRLA was supposed to be able to present the evidence they had collected at a hearing in San Francisco on September 15, 1967. Bellow thought this was a coup for CRLA, that it would allow CRLA to generate publicity for the union's picture of the terrible conditions in the fields and would thus help to convince Chavez that CRLA was still interested in helping the organizing effort. Things did not, however, work out that way. At the last minute, the Labor Department announced that no outsiders would be allowed at the hearing, CRLA's witnesses responded by refusing to attend a closed hearing.<sup>53</sup>

The lawyers, although they had certainly behaved competently, had not, in general, approached the case from the union's point of view. Chavez began to realize that the lawyers' first loyalty was to their ideas of professionalism, not to the work of the UFW. The UFW became disenchanted

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<sup>51</sup> Bellow interview.

<sup>52</sup> Bellow interview.

<sup>53</sup> Bellow interview.

with CRLA as a consequence and the two organizations began to move apart. Chavez did not need CRLA. His tactics and attention were focused elsewhere. He began to see CRLA as a rival for publicity and public sympathy.<sup>54</sup>

At this stage, CRLA still had a strong defender in Washington, Sargent Shriver. Just after CRLA filed suit against the Department of Labor, Labor Secretary Willard Wirtz called Shriver and said, "Those lawyers that work for you have just sued me in California."<sup>55</sup> Shriver responded,

Well, Bill, don't you think they're right? If the Department of Labor has failed to fulfill the requirements of the law, shouldn't a suit be brought to require that you fulfill it . . . what these lawyers in California have done is, in fact, to sort of hold you up, you might say, to make you follow the legal process . . . And I'm sure — well, I'm sure he agreed with that. And he said, as a matter of fact, "Now that I talk to you, I do."<sup>56</sup>

The growers' organizations, of course, attacked CRLA. O. W. Fill-erup, executive vice president of the Council of California Growers, saw CRLA as a government-supported effort to aid farm worker unionization. He pointed to the fact that Cesar Chavez and Larry Itliong were both on CRLA's board of directors, and in the *Fresno Bee* complained, "The federal government, through the Office of Economic Opportunity, and the AFL-CIO now find themselves in a financial partnership in union organizing disguised as a legitimate social project to aid the rural poor."<sup>57</sup>

Congressman Charles Gubser from Santa Clara and San Benito Counties used the most colorful language to condemn CRLA, declaring the Department of Labor settlement with CRLA to be "tribute paid to a rump organization" and "a new low in groveling submission to blackmail by an agency of the U.S. Government."<sup>58</sup>

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<sup>54</sup> Bellow interview.

<sup>55</sup> *Commission Hearings*, 426.

<sup>56</sup> *Ibid.*, 426–27.

<sup>57</sup> "Growers Score Legal Aid Groups as Unionizers," *The Fresno Bee*, October 17, 1967, B1.

<sup>58</sup> Charles Gubser, "Taxpayer Money Is Financing the Unionization of Farm Labor," *U.S. Congressional Record*, House of Representatives, 90th Congress, 1st Session (September 21, 1967), 26447.

Fresno Congressman B. F. Sisk wrote a series of open letters to President Johnson, OEO Director Shriver, and CRLA. He complained to Johnson that CRLA actions were “destroying thousands of [his] constituents,” and told CRLA that “your concern should be for individual people . . .,” that it was not CRLA’s business “to litigate all of the major social problems of our society. . . .”<sup>59</sup>

But CRLA’s friends in Congress surfaced, too, and its enemies were subjected, wherever possible, to personal or organizational pressure. Some senators — such as Robert Kennedy of New York — volunteered their services to CRLA, in the form of trips to California, addresses to the Senate, and other ways. Congressman Sisk, heavily dependent on moderate Chicano votes in Fresno County in order to defeat his Republican opponents, found himself under public attack from the Mexican-American Political Association. Faced with the prospect of active MAPA campaigning against him, Sisk found it prudent to halt his public denunciations of CRLA.<sup>60</sup>

An early attack on CRLA was mounted by the Kern, Tulare, and Kings Counties congressman, ex-decathlon star Bob Mathias, who charged CRLA with a variety of violations of OEO legislation and internal regulations, and succeeded in having CRLA investigated by the Government Accounting Office. In particular, Mathias wanted the relationship between CRLA and the UFW investigated. He claimed to have photographs, a police report, and signed statements demonstrating CRLA’s illegitimate involvement with the UFW. After a three-month investigation of CRLA in 1966–67, however, the General Accounting Office found no substance in any of the charges.<sup>61</sup>

More assaults were launched by Senator George Murphy, who sought with strictly limited success to articulate what seemed to him a profound departure from American constitutionalism by CRLA, and to penalize the program accordingly. On the floor of the Senate, Murphy argued that it was an outrage for one governmental instrumentality (CRLA) to sue

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<sup>59</sup> “Sisk Blasts CRLA Labor Department,” *The Fresno Bee*, October 1, 1967, A4.

<sup>60</sup> “MAPA Leader Says Sisk Aids Only Growers,” *The Fresno Bee*, September 23, 1967, B1.

<sup>61</sup> Comptroller General of the United States, Report No. B-161297, “Report on the Investigation of Certain Activities of the California Rural Legal Assistance, Inc., Under Grants by Office of Economic Opportunity” (May 29, 1968).

others (the U.S. Department of Labor, the governor of California). “The citizens of California,” Murphy told his fellow senators,

have been horrified by the spectacle of CRLA lawyers, paid by their tax dollars, going to court against the Secretary of Labor and his Justice Department attorneys, also paid by the taxpayers, in an action which will inevitably result in losses to farmers and higher food prices to American consumers. Poor old John Q. Public is paying the bill three times for this absurd three-ring circus.<sup>62</sup>

Senator Murphy’s remedy was known as the Murphy Amendment to the Economic Opportunity Act. It would have barred all OEO legal services programs from taking legal action against governmental agencies.<sup>63</sup>

The infrastructure of CRLA support was mobilized, and Earl F. Morris, president of the ABA, lobbied for CRLA in Washington. The ABA president-elect, William Gossett, former general counsel for Ford Motor Company, worked intensively on Republican congressmen, especially Minority Leader Gerald Ford of Michigan. The Murphy Amendment failed 36–52 in the Senate, and never surfaced in the House. “Following the defeat of the amendment in the Senate . . . and its failure to be introduced in the House, most agreed that it was active lobbying of the ABA leadership which saved all of legal services from Murphy’s attempted emasculation.”<sup>64</sup> CRLA was now being discussed in *Time*, *The New Yorker*, *The New Republic*, *The Washington Post*, and the *St. Louis Post-Dispatch*. CRLA also reached out to organized labor, church groups, and civil rights organizations, and received enthusiastic support, both through lobbying by these organizations in Washington and through mail campaigns to California congressmen. During several months of the year 1968, mail to the California congressional delegation on CRLA outran mail on every other issue — Vietnam, pornography, and taxes, among them.<sup>65</sup> CRLA anticipated, and received, statewide and national attention which would otherwise never have come to it as a result of the very attacks mounted against it by Senator Murphy

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<sup>62</sup> George Murphy, “The Farm Labor Situation,” *U.S. Congressional Record*, Senate, 90th Congress, 1st Session (September 28, 1967), 27129.

<sup>63</sup> *Ibid.*

<sup>64</sup> “President Urged to Keep Backing Rural Legal Aid,” *Los Angeles Times*, September 26, 1967, I-3.

<sup>65</sup> Bennett interview.

and Governor Reagan. To an important extent, the governor and the senator were in the position of Br'er Fox and the Tar Baby. The more they struck it, and the more they insisted on the danger of the program, the more it adhered to them, drew on their visibility, and attracted the attention of other foes of the governor and the senator.

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*Chapter 7*

## CONTAINING CRLA

The effort to contain CRLA came from the highest levels of state and national government. Ronald Reagan and Richard Nixon represented the interests of farm employers and their allies in a running battle with CRLA in the late 1960s and early 1970s. Knowing that Reagan was no friend of the farm workers, CRLA had challenged his administration and purposely provoked as public a confrontation with him as soon as possible, hoping to maintain public support as a counterweight to the governor's power over the program. CEO regulations gave Reagan, as governor of California, thirty days to veto grants made by the OEO for California. The Governor's veto could only be overridden by the director of the OEO.<sup>1</sup> CRLA's primary defense against a gubernatorial veto was influential non-partisan support for exemplary performance of its prescribed tasks in accordance with nationally recognized legal principles.

For 1967 refunding, the veto issue was sidestepped because the director of the OEO continued to fund CRLA as a research and demonstration project, and research and demonstration grants were not subject to

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<sup>1</sup> OEO regulations, 42 U.S.C., para. 2834 (1964).



gubernatorial veto.<sup>2</sup> When it came to refunding CRLA for 1968, however, the governor had a chance to veto the program and his executive secretary, William P. Clark, indicated he would. Clark said that CRLA had encouraged litigation and had “perhaps opened the door too wide to indigent clients” and that CRLA had “imposed burdens on rural courts by [its] incursions into social legislation” that “could be carried to all sorts of extremes.”<sup>3</sup> CRLA countered that the Reagan Administration, “apparently looks with favor on helping poor people with legal services only if they are suing other poor people such as in divorce cases. . . . Any type of litigation by poor people to vindicate their rights against employers or government agencies [is] looked on with disfavor.”<sup>4</sup>

As the public point and counterpoint continued, Clark sent a letter to OEO Western Regional Director Lawrence Horan, suggesting changes that would have put an end to CRLA’s effectiveness in exchange for not vetoing the program. The conditions Clark sought to impose included local bar association approval in advance for providing legal services. Reagan, in other words, sought to instate local control over the federally funded agency realizing full well what it meant: control by conservative, pro-grower policies and anti-legal services attitudes. Reagan also sought to limit CRLA’s power to sue public agencies.<sup>5</sup> Horan spoke immediately to Earl Johnson of the National Office of Legal Services, who in turn spoke to OEO Director Shriver about the Reagan proposals. Shriver’s response was unequivocal: “If I don’t override that veto, we might as well turn the country over to the John Birch Society.”<sup>6</sup>

Johnson felt that “CRLA had become a symbol, clearly a symbol to all the legal services programs of the policies that we were attempting to advocate and to have other programs follow, and I was thoroughly convinced

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<sup>2</sup> Bennett interview.

<sup>3</sup> “Veto of CRLA Warned,” *Appeal-Democrat* (Marysville–Yuba City), December 21, 1967, 1.

<sup>4</sup> Harry Bernstein, “Reagan Hit for Stand on Legal Aid to Poor,” *Los Angeles Times*, December 22, 1967, I-16.

<sup>5</sup> Letter from Larry Horan to Governor Reagan, January 13, 1968, *CEB Legal Services Gazette* 2, no. 4 (January 1968): 98–100.

<sup>6</sup> Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc., *Hearings*, Reporter’s Transcript (April 26, 1971) [hereinafter cited as *Commission Hearings*], 265.

that if that symbol were destroyed there was no hope that the policy would be followed by other programs.”<sup>7</sup>

On Monday, January 15, 1968, Horan held a press conference in Los Angeles, praising CRLA and indicating that Shriver would override a Reagan veto.<sup>8</sup> Between January 15th and Reagan’s veto deadline, January 21st, the governor’s staff met with staff members of OEO’s Regional Office. Reagan let it be known that he would consider not vetoing the funding proposal if the OEO would agree to make some non-substantive changes in the program. Horan had a letter hand-delivered to the governor on the last working day before the veto deadline in which he put forth a set of changes — none of which were harmful to the program.<sup>9</sup> In a clever public relations move Reagan’s staff kept the OEO at bay until the evening while it went to the press with the following statement: “OEO has exhibited a recognition of the deficiencies in the CRLA program . . . [and] on the basis of agreements reached for modification and careful monitoring, . . . it is felt CRLA will now meet sufficient standards of professional conduct and management.”<sup>10</sup>

CRLA caught on to what Reagan was trying to do, however, and managed to get to the press with a rebuttal in time to make the late evening and early morning editions of the paper.<sup>11</sup> Despite his press statement, Reagan went ahead and vetoed CRLA’s funding for 1968.

CRLA, denied support by the rural bar associations in the state, sought, cultivated, and received the backing of urban bar associations, the California State Bar, and ultimately the American Bar Association. When Governor Reagan, acting under the provisions of the amended Economic Opportunity Act, “vetoed” funding for CRLA in 1968, CRLA was vigorously defended by the National Advisory Committee for Legal Services, the presidents of the American Bar Association, the American Trial Lawyers Association, the National Bar Association, and the National Legal Aid

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<sup>7</sup> *Commission Hearings*, 268.

<sup>8</sup> *CEB Legal Services Gazette* 2, no. 4, 98–99.

<sup>9</sup> Letter from Laurence P. Horan to the Honorable Ronald Reagan, January 19, 1968, *CEB Legal Services Gazette* 2, no. 5 (February 1968): 132–34.

<sup>10</sup> Office of the Governor, Press Release No. 38, January 19, 1968.

<sup>11</sup> Tom Goff, “Reagan to Accept U.S. Rural Legal Aid Grant: Says Objections Were Complied With; No Changes Made, OEO Director Claims,” *Los Angeles Times*, January 20, 1968, I-3.

and Defender Association, in addition to the director of the OEO and the president of the United States. The deans of all of California's major law schools also expressed strong support.<sup>12</sup>

Reagan did not attempt to veto CRLA's funding for 1969. The OEO approved CRLA's 1969 grant in mid-November 1968, so that Reagan, who had to veto it within thirty days if he was going to, would have to exercise this right before Republican President Richard Nixon took office in January 1969.<sup>13</sup>

The second Murphy Amendment, introduced in 1969, passed the Senate. It would have effectively transferred policy and fiscal control of OEO legal services to the governors of the states in which the programs were operating, giving them blanket or "line item" veto powers not subject to reversal by the OEO director. At that time, Murphy's amendment was, of course, being considered by Congress under a Republican president. Murphy's strategy was the same as Reagan's: impose local authority and local control over the program. And his charges against the program were similar as well: CRLA was helping Cesar Chavez and the UFW in the strike and boycott the UFW was conducting in the San Joaquin and Coachella Valleys against table grape growers.<sup>14</sup>

Somewhat to the surprise of CRLA's staff, support again flowed. The Board of Governors of the ABA passed a resolution unanimously opposing the Murphy Amendment. John D. Robb, chairman of the ABA's Committee on Indigent Defendants said, "You don't often get unanimous resolutions by Bar Associations, but I have never seen such unanimity as I have seen directed against the Murphy Amendment."<sup>15</sup> Also, CRLA's coalition of supporters — minority groups, church groups, labor groups, civil rights groups — bombarded Congress with protest letters and telegrams, and numerous articles appeared in the country's major newspapers defending

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<sup>12</sup> Leo Rennert, "Investigators Give Rural Legal Aid Group a Clean Bill of Health," *The Fresno Bee*, June 23, 1968, A12.

<sup>13</sup> Bennett interview.

<sup>14</sup> "Murphy Move to Give Governors Poor Legal Aid Veto Clears Senator," *The Sacramento Bee*, October 14, 1969, A3.

<sup>15</sup> Quoted in John P. MacKenzie, "Murphy Loses Fight on Poverty Lawyer Veto," *Los Angeles Times*, December 17, 1969, III-1.

and supporting CRLA, legal services, and the War on Poverty.<sup>16</sup> The second Murphy amendment was deleted in the Senate–House Conference Committee.<sup>17</sup>

CRLA submitted its 1970 refunding proposal to the OEO in late September of 1969. President Nixon's new OEO director, Donald Rumsfeld, put a hold on it. Rumsfeld's excuse at the time was that an OEO ruling on the program's refunding would prejudice the House vote on the Murphy Amendment. By the end of November, before the House had quashed the amendment, CRLA threatened to deploy its supporters once again to publicize the fact that CRLA's existence was in jeopardy because Rumsfeld was "sitting on" CRLA's application for funds. Rumsfeld approved the grant and sent it to Governor Reagan's office.

Reagan was reportedly surprised and angry.<sup>18</sup> He had not expected a Republican appointee, and by implication the Nixon White House, to approve CRLA's refunding. He called Rumsfeld and said as much, but Rumsfeld responded that without valid reasons not to, he would override a Reagan veto.<sup>19</sup> The veto did not come. In 1970, Reagan failed to mention CRLA in his campaign for re-election against Jesse Unruh, but times were changing. Richard Nixon was in the White House, and California might be a pivotal state in a close 1972 election. Christmas week 1970, CRLA received its second veto notice from the governor, who announced he had massive documentation of flagrant violations of law and legal ethics by CRLA attorneys. This was clearly to be the most severe and protracted challenge CRLA had faced.

The charges against CRLA had been prepared by the state OEO office, a small agency designed by Congress for each state to ensure liaison and communication and minimize competition and duplication between OEO programs and any parallel state programs which might exist. Governor Reagan

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<sup>16</sup> "Legal Aid — For the Lawyers," editorial, *New York Times*, October 29, 1969, 46; "Lawyers for the Poor," *The Washington Post*, October 22, 1969, A22; "The Poor Get It Again," *St. Louis Post Dispatch*, October 21, 1969, B2; "Legal Aid Restriction Bad Bill" (editorial), *Los Angeles Times*, November 10, 1969, II-6; "War on Poverty in Jeopardy" (editorial), *Los Angeles Times*, December 14, 1969, G6.

<sup>17</sup> As a consequence, *The Fresno Bee* carried the following headline: "Governor's CRLA Veto Power Fails," December 19, 1969, 1.

<sup>18</sup> Bennett interview.

<sup>19</sup> "Reagan Backs Bill Overhauling OEO," *The Fresno Bee*, December 8, 1969, A4.

appointed, in July of 1970, Lewis Uhler to head the California State Office of Economic Opportunity. Uhler brought interesting credentials to his new post: he had served under the national director of Public Relations for the John Birch Society, John Rousselot. When Rousselot was elected to Congress in 1960, Uhler went to Washington. He had just finished serving, in June of 1970, as Rousselot's campaign manager, in the latter's unsuccessful bid to recapture his seat. Rousselot later publicly stated that Uhler's appointment to head the State OEO was directly aimed at the destruction of CRLA.<sup>20</sup>

Uhler's views on OEO legal services were clear. "What we've created in CRLA is an economic leverage equal to that of large corporations. Clearly that should not be."<sup>21</sup> Or: "The problem with the War on Poverty is that poor people are on the boards of directors."<sup>22</sup> One of Uhler's first acts as head of the State Office of Economic Opportunity was to abolish the poor people's Advisory Committees to the State OEO because, according to *The Sacramento Bee*, he did not believe poor people should be involved in making decisions at the state level.<sup>23</sup>

Uhler's staffing of the state OEO office was even more intriguing. In his first two months, he dismissed most of the agency's professional staff of accountants, attorneys, and administrators, replacing them with former agents from police departments, the FBI, the CIA, and the campaign staffs of Governor Ronald Reagan, Mayor Sam Yorty of Los Angeles, and Senator James Buckley of New York. The new staff was given a "cram course" in administrative investigation by the California Bureau of Criminal Investigation and was unleashed on CRLA.<sup>24</sup>

In August, 1970, the federal OEO conducted its annual evaluation of CRLA. Unknown to CRLA, Uhler's group was planning its own investigation. The federally sponsored evaluation was conducted by prestigious members of the legal profession, the most prominent being former associate justice of the United States Supreme Court, Tom C. Clark. After five days of inquiries

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<sup>20</sup> George Williams, "Lew Uhler, Epitome of the Reagan Aide, Directs the Fight Against CRLA," *The Sacramento Bee*, May 9, 1971, A4.

<sup>21</sup> George Williams, "Reagan Picked Uhler to Build State's Case Against CRLA," *The Sacramento Bee*, May 10, 1971, A4.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

in California, the evaluators concluded that “while not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation.”<sup>25</sup>

Just two days after Reagan was re-elected governor, Uhler sent a questionnaire to 3,400 California attorneys and judges. The questionnaire contained such questions as:

- Are CRLA members in your community involved, on behalf of CRLA, in community activities of an activist or political nature? (a) yes; (b) no. If yes, please explain or give details.
- Do you feel the main thrust of CRLA’s efforts has been toward “causes” or class actions, or toward litigating or otherwise solving specific individual problems? Emphasis on: (a) individuals; (b) causes. Comments:<sup>26</sup>

Not only did the Uhler questionnaire ask respondents to give an opinion on the legal ethics of CRLA attorneys, it permitted them to answer anonymously. CRLA learned of the questionnaire within the week, sent letters of protest to OEO Director Rumsfeld, and State OEO Director Uhler, and had copies of the questionnaire made and distributed to attorneys attending an NLADA convention in Texas. Neither Uhler nor Rumsfeld answered CRLA’s letter, but the NLADA issued a strong statement concerning the questionnaire and called on the State Bar Association “to institute proceedings against the State of California OEO and Lewis K. Uhler.”<sup>27</sup> The NLADA’s statement got widespread press coverage.<sup>28</sup> Uhler

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<sup>25</sup> Jerome J. Shestack, “Evaluation of the Salinas Office of the California Rural Legal Assistance Program,” submitted to H. Tim Hoffman, Regional Legal Services Deputy Director (August 26, 1970), 20.

<sup>26</sup> National Legal Aid and Defender Association, “Resolution Urging Censure of the State of California Office of Economic Opportunity & Lewis K. Uhler, Director,” in U.S. Congress, Senate, Subcommittee of the Committee on Labor and Public Welfare, *Hearings on Legal Services Program of the Office of Economic Opportunity Before the Subcommittee on Employment, Manpower and Poverty*, 91st Congress, 1st Session (Washington, D.C.: Government Printing Office, 1969), 483–84.

<sup>27</sup> Ibid.; “National Legal Aid and Defender Association Censures California Governor’s Office of Economic Opportunity Misleading Questionnaire,” NLADA press release, November 17, 1970.

<sup>28</sup> “State’s Poverty Agency Assailed,” *San Francisco Chronicle*, November 19, 1970, 8.

took the defensive, asserting that CRLA was attempting to intimidate the State OEO's investigation.<sup>29</sup>

Meanwhile, on November 20th, Rumsfeld, proceeding cautiously with regard to Reagan, but making rapid strides to put his mark on legal services at the national level, fired Terry Lenzner and Frank Jones, the director and deputy director of the National Office of Legal Services. Lenzner and Jones were fired because they supported an activist legal services program.<sup>30</sup> Both were very close to CRLA. Despite the firings, Rumsfeld released a press statement December 1st asserting that CRLA was "commonly recognized as one of the best Legal Services programs" and announcing a \$205,539 increase in appropriations for CRLA in 1971.<sup>31</sup> CRLA's reading of the situation was that Rumsfeld was sending a signal to Reagan not to veto CRLA's 1971 grant as well as trying to reestablish his credibility with groups and individuals concerned about legal services, while getting rid of two people he did not want working under him.

In broader perspective, the attacks on legal services appeared to be part of a pattern wherein the Reagan Administration was publicly criticizing programs — such as the Family Assistance Plan — backed by the Nixon Administration. If, as some political writers speculated, the Governor was positioning himself nationally to challenge the President in 1972, and if legal services was one of the issues Reagan was planning to use, there was no way we could head off a veto. We had no choice, however, but to show the Governor that such action would not be popular with all of his constituency.<sup>32</sup>

Again, CRLA got its friends and allies to pressure the governor to veto CRLA's 1971 grant. By late December the governor had received letters and telegrams endorsing CRLA from at least one judge in four of its service regions, as well as two associate justices of the California Supreme Court, a former chief justice of California, and numerous other trial and appellate

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<sup>29</sup> "Lawyers Hit Probe of CRLA," *San Jose Mercury*, November 19, 1970, 1.

<sup>30</sup> Bennett interview.

<sup>31</sup> "California Rural Legal Agency Receives \$1.8 Million Grant," OEO Press Release No. 71-43, December 1, 1970.

<sup>32</sup> Bennett interview.



judges.<sup>33</sup> Also writing the governor on behalf of CRLA were the county bar associations of Los Angeles, San Francisco, Santa Clara (San Jose), Sacramento, Monterey, and Tulare, as well as the City of Beverly Hills and the Mexican Bar Association of California.<sup>34</sup> Supporting communications also went to the governor from hundreds of individual attorneys, including thirty- and forty-name petitions from attorneys with O'Melveny and Myers,<sup>35</sup> Gibson, Dunn, and Crutcher, and other of the state's most prestigious law firms.<sup>36</sup> And in an unprecedented action by the American Bar Association, John Robb, chairman of the ABA's Standing Committee of Legal Assistance and Indigent Defense, sent a telegram to Reagan urging CRLA's refunding.<sup>37</sup>

Endorsements also went to the governor from twelve Democratic state senators, twenty-five assemblymen (one Republican), numerous city councilmen, county supervisors and other local officials, as well as the coalition of Chicano, Black, labor, church, senior-citizen, and OEO-funded groups that had long supported CRLA.<sup>38</sup> Twenty-seven newspapers, including the *Los Angeles Times*, the *Santa Barbara News Press*,<sup>39</sup> and the McClatchy Bee papers,<sup>40</sup> published supportive editorials.

At CRLA's request, Uhler met with CRLA on December 10th. Uhler claimed it was too early to discuss specific allegations with CRLA, but promised to allow CRLA to review and comment on all allegations of misconduct before they were sent to the governor or released to the press. CRLA made an appointment with Uhler for December 21st to discuss the allegations. Uhler cancelled the appointment. On December 23rd Uhler told CRLA by phone that he was still not prepared to discuss the allegations

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<sup>33</sup> Copies of letters and telegrams in CRLA files.

<sup>34</sup> CRLA files.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> "Equal Justice for the Needy" (editorial), *Los Angeles Times*, December 21, 1970, II-8; "Improve Legal Aid, Don't Ban It" (editorial), *Santa Barbara News Press*, December 15, 1970, D10.

<sup>40</sup> "Equal Justice for the Needy" (editorial), *The Fresno Bee*, December 22, 1970, A14; "1970 Grand Jury's Reckless Action Against CRLA Program is Unbecoming" (editorial), *The Modesto Bee*, December 24, 1970, A10.



against CRLA. On Saturday, December 26th, Reagan announced that he had vetoed CRLA's grant "because of gross and deliberate violations of OEO regulations and (CRLA's) failure to represent the true legal needs of the poor."<sup>41</sup> Information supplied by Uhler in support of Reagan's charges accompanied his press release as did a copy of the governor's letter to Frank Carlucci, the new head of the OEO. Carlucci had been nominated to replace Rumsfeld, who left the OEO to join the White House staff.

CRLA still did not know the substance of the charges against it. Uhler had not kept his word. CRLA decided therefore to attack Reagan's motives in vetoing the program.<sup>42</sup> CRLA went to the press with the following three statements: (a) that the governor had attacked CRLA because he was opposed to having poor people fairly represented in the courts; (b) that Governor Reagan was angry because CRLA had won every major piece of litigation it had brought against him; and (c) that in attacking CRLA Reagan was supporting the growers who helped finance his political campaign. In assessing the situation, CRLA considered the following things.

The governor had not emerged from the 1970 campaign "lifted higher and higher."<sup>43</sup> Jesse Unruh, with woefully limited campaign funds, had cut the governor's 1966 electoral victory margin in half.<sup>44</sup> And Houston Flournoy, a "moderate Republican" college professor serving as state comptroller, had run 750,000 votes ahead of the governor.<sup>45</sup> John Tunney, who had repeatedly raised CRLA as an issue, had defeated George Murphy in the Senate race. And several centrist Republican legislators traveled to Washington to urge their old friend Robert Finch — all too ready to listen — that the president would have to distance himself from the governor and his policies to carry California (and perhaps to carry the nation) in 1972.

CRLA officials concluded,

Our overall assessment, therefore, was that even if our refunding was decided on purely political considerations, we had a good chance. We believed the White House staff was looking for

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<sup>41</sup> Office of the Governor, Press Release No. 585, December 26, 1970.

<sup>42</sup> Bennett interview and a long telegram sent by CRLA to Frank Carlucci, December 27, 1970.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

opportunities to move the President's image from the right toward the political center. If the CRLA decision received sufficient public attention, it presented just such an opportunity.<sup>46</sup>

CRLA's strategy, then, was to try to generate pressure on the president and members of his staff who would be overseeing the situation for him.

Frank Carlucci's confirmation hearing came before the Senate Committee on Labor and Public Welfare on December 30th. CRLA contacted Senator Alan Cranston of California who was on the committee, asking him to hold up Carlucci's confirmation unless Carlucci immediately overrode Reagan's veto of CRLA.<sup>47</sup> Cranston did just that, adding that an investigation of both CRLA and the California State OEO should be conducted as well.<sup>48</sup> Another important member of the confirmation committee, Senator Walter Mondale, exhorted Carlucci to override Governor Reagan's veto, as did the ABA in a telegram signed by the cream of the legal community.<sup>49</sup>

At the Senate confirmation hearing, Carlucci refused to override Reagan's veto, but said that Reagan had agreed to a thirty-day extension for CRLA to give the OEO time to study the evidence in the case.<sup>50</sup> Reagan and Uhler had not released the Uhler report, but promised to do so on January 6th. Cranston refused this compromise solution, arguing that other legal services programs had been allowed to die after thirty-day extensions.

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<sup>46</sup> Ibid.

<sup>47</sup> Bennett interview.

<sup>48</sup> Leo Rennert, "Cranston Calls for Nixon Probe of Process Leading to Reagan CRLA Veto," *The Sacramento Bee*, December 29, 1970, A1.

<sup>49</sup> Telegram from Edward F. Bell, John W. Douglas, Jacob D. Fuchsberg, John D. Robb, to Frank Carlucci, December 29, 1970; Letter from Louis Pollack, Chairman, and Cecil Poole, chairman-elect of the ABA's Section of Individual Rights and Responsibilities, to Frank Carlucci, December 31, 1970; Telegram to Frank Carlucci from Abraham Goldstein, dean, Yale Law School; Derek Bok, dean, Harvard Law School; Bayless Manning, dean, Stanford Law School; Michael Sovern, dean, Columbia Law School; Bernard Wolfman, dean, University of Pennsylvania Law School (December 30, 1970); all in CRLA files.

<sup>50</sup> U.S. Congress, Senate, Subcommittee of the Committee on Labor and Public Welfare, *Hearings on Nominations to the Office of Economic Opportunity Before the Subcommittee on Employment, Manpower and Poverty*, 91st Congress, 2nd Session (Washington, D.C.: Government Printing Office, 1970), 158–59.

Carlucci would not agree to the override, and Cranston blocked his nomination. At that point, CRLA was truly an issue of national importance.

Finally, on January 6th, Uhler presented his report to the federal OEO. The report was, according to Uhler, backed up by 9,000 pages of documentation — which Uhler did not bring with him to Washington.<sup>51</sup> The OEO demanded a copy of it. The document was replete with affidavits “making the case” against CRLA.<sup>52</sup> Although the governor’s office refused to release a copy to CRLA, he did release 127 of the report’s specific allegations to the press. CRLA attorneys, the report charged, had performed inefficiently and incompetently.<sup>53</sup> They had accepted fees.<sup>54</sup> They had appeared in court barefooted. They had used obscenities. They had engaged in homosexual liaisons with federal judges in order to obtain favorable rulings. CRLA was “ideological,” “radical,” and “revolutionary.” They had arranged a visit for Angela Davis with George Jackson at Soledad Prison prior to the slaying of a judge in Marin County, in which Miss Davis’s weapon was used by Jackson’s brother. Indeed, the Uhler report was tailor-made for the media, as the following passage reveals: “Prior to the courthouse incident, . . . CRLA attorneys interceded at Soledad in an attempt to arrange a visit for Angela Davis to meet with the older Jackson brother.”<sup>55</sup>

The governor expressed confidence that President Nixon would sustain the governor’s “veto” of this malignant program.<sup>56</sup>

The Uhler report also charged that CRLA’s “grand strategy is to organize and unionize farm workers in California into a labor monolith — a monopoly union — under the control and direction of UFWOC.”<sup>57</sup>

For the most part, the Uhler report charges were false, and Uhler and his investigative staff guilty of either negligence or fraud. One of the conclusions reached in the Uhler report, for example, was that “CRLA attorneys ignored the proscription as to representation of those accused of

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<sup>51</sup> State Office of Economic Opportunity, Lewis K. Uhler, Director, *Study and Evaluation of California Rural Legal Assistance, Inc.* (1971) (hereinafter referred to as the Uhler Report).

<sup>52</sup> Ibid.

<sup>53</sup> Office of the Governor, Press Release No. 3, January 6, 1971.

<sup>54</sup> Uhler Report, 237–39.

<sup>55</sup> Ibid., 73.

<sup>56</sup> Office of the Governor, Press Release No. 3, January 6, 1971.

<sup>57</sup> Uhler Report, 156.

crimes.” The prohibitive regulation in question, which was issued on January 15, 1968, stated: “Legal services programs may not henceforth undertake defense of any new criminal case at any stage following indictment or information . . .” The regulation then listed seven exceptions:

- (a) a waiver is granted by OEO;
- (b) representation of arrested persons before indictment or information (and criminal cases where no indictment or information occurs);
- (c) parole revocation;
- (d) juvenile court matters;
- (e) civil contempt;
- (f) alleged mistreatment of prisoners after sentence and incarceration;
- (g) criminal cases which were undertaken prior to receipt of this memo.<sup>58</sup>

Of the twenty-four cases cited by Uhler, twenty-three were clearly not prohibited by federal regulation or conditions of CRLA’s grant. Only one of the twenty-four alleged violations might reasonably be so construed, and it was not handled by CRLA staff. It was handled by a VISTA attorney working with CRLA’s Marysville office.<sup>59</sup>

The falsity of the allegations against CRLA was most directly supported in a letter written by William J. Bradford, a former deputy attorney general of the State of California and someone who had defended the Reagan Administration in major suits brought by CRLA. Bradford wrote to Carlucci to reveal the “illegal” and fraudulent acts perpetuated by Reagan’s staff to support his accusations against CRLA.<sup>60</sup>

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<sup>58</sup> Community Action Memo 79, Amendment to the Economic Opportunity Act (January 15, 1968), Sec. 222 (a) (3).

<sup>59</sup> California Rural Legal Assistance, by William F. McCabe, Jerome B. Falk, Jr., and Stuart R. Pollak, “CRLA’s Memorandum on Procedures,” Hearings Regarding the Veto by the Governor of the State of California of the 1971 Funding of California Rural Legal Assistance Before the Office of Economic Opportunity Commission on California Rural Legal Assistance,” 4.

<sup>60</sup> Letter from William J. Bradford to Frank Carlucci, Jr., January 11, 1971, copy in CRLA files.

CRLA publicly responded that the allegations were “fallacious, fraudulent, and libelous,” smacked of “McCarthyism,” and had been arrived at in a way that denied CRLA due process.<sup>61</sup>

CRLA met with OEO officials on January 8th to refute Reagan’s December 26th charges and to find out when the OEO would begin an independent investigation of Reagan’s charges. CRLA spoke to Don Lowitz and Bill Walker. Walker had managed Rumsfeld’s congressional campaigns in Illinois, and both men were close to him. CRLA therefore took what they had to say as coming from the highest levels of White House policymaking with regard to the CRLA issue.

We were informed that OEO had no current plans to investigate the charges, that it was “too simplistic” to talk about a refunding decision being made “on the merits,” that “political realities” were the important thing, and that we should be considering new grant conditions, the imposition of which would save face for Reagan without entirely destroying CRLA.<sup>62</sup>

Through a newspaper columnist, CRLA learned the White House scenario: a three-to-six-month extension for CRLA, during which an independent investigation would be carried out and at the end of which a report would be issued, changes — advertised as stringent new conditions under which CRLA would have to operate — which would save face for the governor, and CRLA would be refunded.<sup>63</sup>

One thing that became very clear to CRLA was that with regard to Ronald Reagan, the president wished to move with extreme caution. Nixon was far more afraid of Reagan’s political power and influence, and his backers, than CRLA had imagined. Lowitz and Walker had made it clear to CRLA that the OEO under Nixon was much more concerned with “political realities” than with the merits of the case against CRLA. Reagan was governor of California and Nixon would be running again for president in 1972. As Lowitz and Walker told CRLA, “the practical considerations of

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<sup>61</sup> CRLA Press Release (January 7, 1972).

<sup>62</sup> Bennett interview.

<sup>63</sup> Ibid.

White House–Sacramento” politics had to be considered.<sup>64</sup> Since the decision to refund or not was an executive and a political one, CRLA sought to put on a brave front in the media to refute the charges which had been made public, and to hold its coalition intact. CRLA again won public support from a wide range of citizens, public officials, organization leaders, and members of the legal community.<sup>65</sup> But CRLA lobbied Congress very little and selectively. Most Republicans who supported CRLA, like Senator Jacob Javits, had little influence with the White House. CRLA concentrated its attention on Democrats of particular importance to the president: Abraham Ribicoff, valuable for the then-still-alive Family Assistance Plan, and Henry Jackson for military spending.

The governor met with the vice president, the attorney general, and the president in sessions where CRLA was discussed. The Nixon–Reagan meeting took place just one week before Reagan was to meet with the Republican State Central Committee to begin planning for the 1972 election. After the meeting, Reagan announced that he would lead a pro-Nixon delegation to the Republican National Convention in 1972. Rowland Evans and Robert Novack, in an editorial on Nixon’s posture toward Reagan, said: “Don’t attack Reagan in any ideological dispute with the President; what we need from the governor is control of the big California delegation at the 1972 convention; don’t jeopardize that by fencing with Reagan over issues.”<sup>66</sup>

Just what happened in the White House during discussions of the Reagan veto are not clear, but the players and the sides they chose are. On January 29th, John Ehrlichman was instructed by Nixon to effect a compromise on the issue so that both sides could claim victory and in such a way that Reagan would not be deeply offended. Attorney General John

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<sup>64</sup> Bennett interview, “We were shown a publicized telegram from Uhler to Carlucci complaining that the State’s witnesses were ‘being harassed, intimidated and pressured’ by CRLA ‘to get them to change their stories.’ Lowitz and Walker’s point, apparently, was not that OEO believe Uhler’s accusations but that because they came from the Governor’s Office, they assumed a political significance with which we had to deal.”

<sup>65</sup> CRLA received copies of letters, telegrams, petitions, and resolutions from boards of supervisors, city councils, mayors, city managers, and school administrators, Chicano, Black, labor, and church organizations, and thousands of individual citizens.

<sup>66</sup> Rowland Evans and Robert Novak, “The Nixon-Reagan Staredown,” *The Washington Post*, February 3, 1971, A17.

Mitchell and Vice President Agnew were strongly opposed to an override of Reagan's veto. Carlucci and Lowitz and Walker were for the override. Ehrlichman did come up with a compromise proposal: to let the governor's veto stand "at this time" and give CRLA a six-month grant, while the Uhler Report and CRLA were investigated by an "impartial" commission.<sup>67</sup>

Reagan claimed victory. In his press statement after the compromise plan had been announced, the governor said that he had

agreed with Federal OEO to permit a short-term extension of the grant for CRLA . . . [to] enable us to begin the transition from the present program to one which better meets the needs of the poor . . . . I have directed the State Office of Economic Opportunity to immediately move ahead with plans to develop a program of legal assistance . . . through local bar associations. In many cases, I am sure, it will be possible for this program to take over legal assistance for the poor even prior to the end of the temporary CRLA funding, and that will provide a smooth transition *when the CRLA is phased out next July* [emphasis added].<sup>68</sup>

Carlucci responded: "This is not a phase out or transition grant . . . . If the Commission finds that CRLA is conducting its activities in compliance with the OEO statutes and guidelines, I will, of course, refund it in full."<sup>69</sup>

CRLA hired outside counsel to negotiate with the OEO over the composition of the commission and its ground rules. The governor wanted the hearings held in Washington, in executive session, closed to press and public, with no set ground rules. CRLA wanted open hearings in California, held in an adversary format. CRLA won. The governor wanted a "mixed" commission, one member appointed by him, one by CRLA, and one by the president. CRLA wanted a prestigious commission, all of whose members would be considered men of stature and fairness by the legal profession. CRLA won, with the support of numerous newspapers (sixty-nine editorials favorable in California alone, members of Congress, and the ABA's Section on Individual

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<sup>67</sup> David S. Broder, "CRLA — The Story Behind the Story," *Los Angeles Times*, February 21, 1971, F3.

<sup>68</sup> Office of the Governor, Press Release No. 46, January 30, 1971.

<sup>69</sup> "Addendum to Press Release on Funding of CRLA," OEO Press Release No. 71-62a," January 30, 1971.

Rights and Responsibilities).<sup>70</sup> The pressure on the White House and on Carlucci to accede to CRLA's requests came from the usual sources.<sup>71</sup>

The commission that was appointed on March 23rd, one day before Carlucci's second confirmation hearing, consisted of Robert B. Williamson, recently retired chief justice of the Maine Supreme Court, Thomas Tongue, associate justice of the Oregon Supreme Court, and Robert B. Lee, associate justice of the Colorado Supreme Court. Each of the three appointees was highly respected by the bar in his home state and each was a Republican. Cranston did not question Carlucci on the composition of the commission, but did ask Carlucci for a public commitment that the commission would hold public hearings in California.<sup>72</sup>

Reagan's representative did not even show up for the first scheduled meeting of the commission and the parties involved, and so the meeting was rescheduled. Uhler did show up for the rescheduled meeting. Commission members later recorded:

Mr. Uhler strongly urged that the Commission function as an administrative investigative body which should adopt a fact-finding methodology, suggesting that the Commission staff should seek out evidence and present its own witnesses, holding hearings in private, executive sessions, including secret *ex parte* interviews throughout the State of California in all areas where CRLA has rendered services, and make general and comprehensive findings concerning all phases of the CRLA program, not limited to the matters contained in the Uhler Report.<sup>73</sup>

Uhler also asserted that the State would not participate in public and adversary proceedings and that Reagan's veto of CRLA had been sustained and thus the State was not a party to the proceedings. That afternoon, during a recess taken by the commission, Carlucci, who was in Seattle, received

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<sup>70</sup> Editorials on file with CRLA.

<sup>71</sup> E.g., a telegram to President Nixon from Charles C. Diggs, Jr., Michigan; Robert M. C. Nix, Pennsylvania; John Convers, Jr., Michigan; Augustus F. Hawkins, California; William Clay, Missouri; Louis Stokes, Ohio; Shirley Chisholm, New York; Ronald V. Dellums, California; Parren J. Mitchell, Maryland; Charles B. Rangel, New York; and Ralph H. Metcalfe, Illinois (February 12, 1971).

<sup>72</sup> *Commission Report*, 5–7.

<sup>73</sup> *Ibid.*, 11.



a phone call from Vice President Agnew's office requesting him to recall the commission and get Reagan's cooperation.<sup>74</sup> In a conversation with commission Chairman Williamson, however, Carlucci reaffirmed that the commission was to decide its own procedures and that public, adversary proceedings were acceptable to the federal OEO.<sup>75</sup> Uhler continued to refuse to participate in the hearings as a party and so the commission arranged to have anyone with complaints against CRLA come before it with his own counsel.

The commission held one day of executive hearings at Soledad Prison, fifteen days of open hearings, and took the testimony of 165 witnesses in ten cities.<sup>76</sup> The governor continued to attack the commission and refused to participate in the adversary format. Attorneys antagonistic to CRLA — fifteen in all — played the prosecutorial role, coordinated by the assistant general counsel of the California Farm Bureau, William L. Knecht, who worked in close cooperation with Uhler's staff.<sup>77</sup>

Reagan took his side of the issue directly to the media. On the first day of commission hearings, Uhler held a press conference, produced a letter from the director of the State Department of Corrections, and charged CRLA with involvement in prison disruptions.<sup>78</sup> At a news conference the next day Reagan said,

I'm afraid [the commission] came here with the idea that they could sit at a bench while everyone else did the work and brought a case before them and they could sit back and make judgment. . . . This was not what they were supposed to do. They were to go into the field and investigate California Rural Legal Assistance. If they're unwilling to do that, they ought to resign.<sup>79</sup>

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<sup>74</sup> Ibid., 15.

<sup>75</sup> Ibid., 22.

<sup>76</sup> The commission did not conduct hearings at McFarland, the CRLA base closest to Delano. McFarland witnesses presented testimony in Madera, 100 miles from McFarland.

<sup>77</sup> California Farm Bureau Federation, William L. Knecht, "Concurrent Brief," Before the Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc. (June 11, 1971).

<sup>78</sup> George Murphy, "The CRLA Controversy is Argued at Two Levels," *San Francisco Chronicle*, April 27, 1971, 8.

<sup>79</sup> "Reagan Asks Resignation of Unit Investigating Poverty Lawyers," *New York Times*, April 28, 1971, 28.

And at a press conference on May 5th, Reagan charged Carlucci with attempting “to curry favor with the ‘poverty law establishment’ and to appease certain ultra-liberal members of Congress.”<sup>80</sup> On May 14th, Reagan charged CRLA with a “brazen” and “dishonorable” scheme to present false and misleading testimony to the commission.<sup>81</sup>

The same day that the commission, after concluding its hearings in Salinas, announced that three of Uhler’s charges against CRLA were without merit,<sup>82</sup> Reagan held a news conference in Sacramento, calling the commission’s proceedings “fun and games” and asserted that Nixon would not be influenced by the commission’s findings.<sup>83</sup> The next day, Reagan complained that the commission “had imposed a virtual gag rule on CRLA witnesses.”<sup>84</sup>

When the commission announced that the charges made against CRLA in connection with Angela Davis, the Jackson brothers, and the Soledad prison incident were “totally unfounded and without merit,”<sup>85</sup> Uhler responded that it was “abundantly evident” that the commissioners had been “primed” by federal OEO officials into a biased view of the charges against CRLA.<sup>86</sup> On May 24th, Reagan tried to link CRLA with the fire bombing of the office of someone who had testified against CRLA.<sup>87</sup> Meanwhile, a team of OEO officials was investigating the California State OEO. By early April, their investigation was finished and the report written. The report confirmed that the California State OEO was not performing its assigned function of providing technical assistance to poverty groups and other

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<sup>80</sup> “Reagan Takes His OEO Fight to Nixon,” *The Washington Post*, May 6, 1971, A21.

<sup>81</sup> Tom Goff, “Reagan Calls on U.S. to Join State Probe of CRLA Memos,” *Los Angeles Times*, May 15, 1971, I-1.

<sup>82</sup> “Judge Finds No Merit, Three Anti-CRLA Charges Fold,” *The Sacramento Bee*, May 18, 1971, A4.

<sup>83</sup> Tom Goff, “Reagan Hurls New Attack at CRLA Probe,” *Los Angeles Times*, May 19, 1971, I-28.

<sup>84</sup> “Reagan Claims Gagged CRLA Probe Witness,” *The Sacramento Bee*, May 20, 1971, A5.

<sup>85</sup> Philip Hager, “Probers Absolve CRLA of Link to Angela Davis, Call Charges of Prison Misconduct ‘Totally Unfounded,’” *Los Angeles Times*, May 21, 1971, 3.

<sup>86</sup> Paul Houston, “OEO Leader Hits Federal Panel on CRLA Decisions,” *Los Angeles Times*, May 23, 1971, II-1.

<sup>87</sup> “New Reagan Move in CRLA Case,” *San Francisco Chronicle*, May 25, 1971, 18.

OEO funded programs, but rather “performing investigative functions.”<sup>88</sup> The credentials of Uhler’s staff proved that. When the substance of the report on Uhler’s office reached the press, Democratic state legislators seized the opportunity to try to cut the State OEO Office out of the budget.<sup>89</sup> Uhler was called before the California State Assembly Ways and Means Committee. After a heated discussion before 300 spectators, the assemblymen voted 4–1 to cancel all but \$100 of the \$69,899 Reagan had requested for the State OEO, making it impossible for the Uhler operation to receive nearly \$1 million in matching funds from the federal OEO.<sup>90</sup>

Evans and Novack wrote on May 12, 1971, that the White House was “frantic” about the way things were shaping up in relation to the commission hearings and said that before a decision was made whether to refund CRLA or not, “the oval office will be steeped in the agony of decision making that contemplates the immense risks of 1972.”<sup>91</sup> All that CRLA had to offset Reagan’s influence with the Nixon White House was its grassroots support, its reputation in the legal community, the support of people who knew and respected that reputation, and a public disclosure of the facts.

To get the facts before the public, we wanted the Commission’s Report publicized *prior* to White House decision making. It would be very hard for the White House to allow our destruction if a body as eminent as the Commission was publicly on record endorsing us. But if the Commission’s findings were treated like the January findings of OEO’s Office of Inspection, the Administration could use any public excuse to uphold Reagan’s veto. Some way, therefore, we had to get the Commission’s Report before the public.<sup>92</sup>

CRLA went to CRLA supporters in Congress and those in the media who had followed the situation, to leaders in various local, state, and national bar associations, to the coalition of Chicano and other organizations

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<sup>88</sup> Office of Economic Opportunity, *California State OEO Evaluation Report*, March 26, 1971, 60.

<sup>89</sup> Carl Ingram, “OEO Fund Axed: Uhler Castigated,” *Los Angeles Daily Journal*, May 4, 1971, B2.

<sup>90</sup> “OEO Revision Ordered by Assembly Unit,” *Oxnard Press Courier*, May 4, 1971, 1.

<sup>91</sup> Rowland Evans and Robert Novak, “Nixon, Reagan: Collision Seen,” *The Washington Post*, May 12, 1971, A7.

<sup>92</sup> Bennett interview.

that had long supported CRLA, and to the national official organizations of the League of United Latin American Citizens, the Mexican-American Political Association, the Community Service Organization, the American GI Forum, the NAACP, Common Cause, the National Council of Churches, and the National Council of Senior Citizens, informing them of the commission hearings and the June refunding schedule. Most were also asked for support in the form of letter writing campaigns and positive stories and editorials in their publications.

CRLA planned twelve events that could garner significant press coverage, including a public demand for an unprecedented seventeen-month grant and the release of a letter CRLA had received from the U.S. Civil Service Commission clearing CRLA of all charges referred to the Justice Department for investigation. CRLA never even knew what charges were referred to the Justice Department.<sup>93</sup> Unfortunately, the “Pentagon Papers” story blocked off a good deal of potential national news coverage.<sup>94</sup>

On June 28th, a federal audit of Uhler’s operation published by Democratic Congressman Jerome Waldie indicated that Uhler had misspent \$99,996 of federal funds — \$2,102 of which was used to send telegrams “for the purpose of enlisting support for Senator George Murphy in the November 3, 1970 election.”<sup>95</sup>

Carlucci received the commission report on June 25, 1971, and took the position that he would not release it until he announced his decision on the Reagan veto. CRLA filed suit to have the report released immediately. This, as well as the fact that a number of political officials were clamoring for copies, made the report newsworthy. As to what the report contained, OEO General Counsel Don Lowitz was quoted as saying, “It sure doesn’t leave much room for equivocation, does it?”<sup>96</sup>

On June 29th, CRLA was called by Fred Speaker, the new director of the Office of Legal Services, and asked to come to an emergency meeting in connection with the commission report. Speaker told CRLA that

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<sup>93</sup> Audit Division, OEO, Report No. 9-71-154, “Audit Report; State OEO, State of California, Sacramento County, Grant No. CG-0364, CG 9093 (March 17, 1971).

<sup>94</sup> CRLA v. OEO, USDC for D.C., No. 184, filed June 25, 1971.

<sup>95</sup> Bennett interview.

<sup>96</sup> “U.S. Announces It Will Fund CRLA, Overrules Reagan,” *Los Angeles Times*, June 30, 1971, 1.

the *New York Times* had a copy of the commission report and intended to start publishing it in the next edition, that Carlucci was working with the Reagan staff on a political deal that would allow CRLA to be refunded, and that Uhler had prepared a second report condemning CRLA and had forwarded it to the federal OEO. Speaker told CRLA further that Carlucci needed more time to negotiate CRLA's refunding before the commission report became public. If he did not get the time, Carlucci was sure the whole matter would fall to John Mitchell to settle. Mitchell would not allow CRLA to survive, no matter what. In a phone conversation with Carlucci who was in San Francisco, CRLA was asked to hold back the *Times* story. CRLA said it was not possible, nor was it in CRLA's interest, to call off the story. Carlucci had only a few hours to effect a deal with Reagan's people. Carlucci's planned press release was to announce a \$2.5 million grant that would go to Governor Reagan to allow him to test a *judicare* alternative to legal services.<sup>97</sup>

The "*judicare*" alternative, favored by Governor Reagan and other conservatives in politics and the legal profession, would have provided statewide or national "coverage" of the poor, allowing them to obtain the services of an attorney gratis or at reduced rates, with the entire sum or the balance of the fee to be paid by the government. This approach had two clear advantages from a conservative perspective. First, it would have substantially increased the revenue of the legal profession. (There is an obvious parallel with the medical profession, in which, according to a study by John Colombotos, physicians' acceptance of Medicare rose from 38 percent to 81 percent in the three years following its enactment and implementation.) Secondly, it would have largely or entirely precluded "impact cases," or "class actions," which require the intensive and extended preparation that only a program (like a law firm) can provide. Stated conversely, the *judicare* program, as Governor Reagan and others envisioned it, would have hindered or obstructed the goal stated by Attorney General Kennedy in an address at the University of Chicago Law School May 1, 1964: the practice of "preventive law" on behalf of the poor, which could be likened to "preventive medicine."<sup>98</sup>

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<sup>97</sup> Statement by Frank Carlucci, Director, OEO on The Commission Report on the CRLA (June 30, 1971), 23.

<sup>98</sup> Bennett interview.

Carlucci had proposed twenty-three conditions for the refunding of CRLA. The conditions would have stripped the program of its effectiveness. In addition, Carlucci's proposed restructuring of CRLA would have permitted refunding only through 1971 and would have required an end-of-year evaluation conducted by the governor's office and the federal OEO. CRLA, of course, rejected the proposal, but in the last forty-five minutes before the *New York Times* was to go to press, Carlucci shifted his position, agreed to a seventeen-month grant, and provided CRLA with a copy of the report. Fifteen minutes later the OEO officials learned that the *New York Times* did not have a copy of the report.

The report left only one option open to Carlucci if Reagan were to save face. He would quite simply have to misrepresent the report to the press, and this is just what he did.

The commission report said:

The commission finds that CRLA has been discharging its duty to provide legal assistance to the poor under the mandate and policies of the Economic Opportunity Act of 1964 in a highly competent, efficient, and exemplary manner.

It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any justification whatsoever for any finding of improper activities by CRLA . . . .

[Furthermore] the Commission expressly finds that in many instances the California Evaluation has taken evidence out of context and misrepresented the facts to support the charges against CRLA. In so doing, the Uhler Report has unfairly and irresponsibly subjected many able, energetic, idealistic and dedicated CRLA attorneys to totally unjustified attacks upon their professional integrity and competence. From the testimony of the witnesses, the exhibits received in evidence, and the Commission's examination of the documents submitted in support of the charges in the California Evaluation, the Commission finds that these charges were totally irresponsible and without foundation.<sup>99</sup>

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<sup>99</sup> *Commission Report*, 84.

The Carlucci press release, however, implied that CRLA was guilty of numerous wrongdoings necessitating “the imposition of stringent controls on future operations” and portrayed Reagan as the hero of the legal services movement, committed “to improve the legal services program and expand its impact.”<sup>100</sup>

The waters were indeed muddy by the time CRLA got copies of the report to the press. CRLA recommenced negotiations with Carlucci demanding that no restrictions of substance be attached to CRLA’s refunding grant or CRLA would attack Reagan, Uhler, and Carlucci’s fraudulent press release from one end of the country to the other. That same day, CRLA’s demands were met. Thus, the situation was “resolved.”

CRLA was refunded for an eighteen-month period, the longest ever for an OEO legal services program, and the Nixon Administration funneled to the Reagan Administration \$2.5 million for a “judicare” program. The “liberal” Republican Ripon Society’s *Forum* commented, “The latest joke going around the Office of Economic Opportunity asks, ‘What can you buy for \$2.5 million?’ The answer, of course, is, ‘The California Republican delegation.’”<sup>101</sup>

CRLA’s success was quickly cast into the shadows, however, when the president won an overwhelming re-election, and appointed Howard Phillips acting director of OEO. On April 12, 1973, a Federal District Court found that Phillips and Office of Management and Budget director had acted illegally in denying continuing operating funds to legal services and other OEO programs. Instead of an advocate, the OEO had an executioner as its chief. Indeed, *The Washington Star-News* reported that about half of the top administrators brought in to dismantle OEO were former top officers in Young Americans for Freedom. Congress was at that point unwilling seriously to challenge any of the president’s actions on OEO and allowed many of the legal services programs to expire July 1, 1973, although CRLA was refunded.

A recently concluded chapter in CRLA’s history, but one not recorded in depth here, has been the effort by a coalition of OEO legal services programs and their weary supporters, headed by CRLA’s former chief

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<sup>100</sup> Statement by Frank Carlucci, 23.

<sup>101</sup> *Ripon Forum* VII, no. 8 (July 15, 1971): 1.

administrator, to have Congress create a Legal Services Corporation, which would provide an administrative umbrella for federally funded legal services programs for the poor, a pooling of their resources in regional “back-up” centers, and some measure of autonomy and continuity for these programs. The sticking issues have been the composition of the board of directors and restrictions imposed on the kinds of litigation permitted to be carried on by the participant programs.<sup>102</sup>

Just as the UFW’s political struggle continued after passage of the Agricultural Labor Relations Act, with the UFW attacking the ALRB and pushing for its interpretation of agency regulations and election results, CRLA’s battles with Washington continued.

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<sup>102</sup> Letter from Frank N. Jones, Deputy Director, Office of Legal Services, Washington, D.C., to Daniel Luevano, Chairman, CRLA Board of Trustees, October 12, 1970.



## Chapter 8

# INSTITUTIONALIZATION THROUGH THE ALRA

In the mid-1970s, farm workers and farm employers alike resorted to government intervention to resolve the conflict between them. In 1969, due to the steady persistence and measured success of the UFW, farmers began to press for legislation that would protect them against boycotts, which incorporation under the amended version of the 1935 NLRA would have done, and for legislation that would provide broader restraints on unions than those offered by the NLRA. Growers had become convinced that farm labor legislation was practical and inevitable.<sup>1</sup> Chavez, on the other hand, was reluctant to support farm labor legislation. He did not want legal limits on use of the secondary boycott, but he consented to pursue an institutional strategy because his organization had been devastated by the IBT's complicity with growers and because he saw no better strategy open to him.<sup>2</sup> The growers' wishes were embodied in several bills: the U.S.

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<sup>1</sup> Chris Bowman, "Brown's Farm-Labor Coup," *California Journal* 6 (June 1975): 190–92.

<sup>2</sup> Sam Kushner, "Chavez and the NLRA: Something Is in the Wind," *The Nation* 220, February 22, 1975, 206; Varden Fuller, "Professor Proposes System of Mediation and Arbitration to End California's Farm Union Representation Conflict," *California Journal* 4 (September 1973): 299–301.

Senate bill authored by George Murphy in 1970,<sup>3</sup> the Cory–Wood–LaCoste California Assembly bill of 1971,<sup>4</sup> and the 1972 California election initiative, Proposition 22.<sup>5</sup>

Proposition 22 was a grower-backed initiative in support of unionization. It would have set up the legal machinery to regulate farm labor–management relations and assure collective bargaining for California farm workers. With Proposition 22, growers admitted the inevitability of agricultural unions and came to support their existence in hopes of controlling the rules governing their activities. By 1972, growers could not afford to identify themselves as a purely partisan group. They had failed to win enough support among legislators to have legislation similar to Proposition 22 passed in the California Assembly (Assembly Bills 964 and 9 in 1971 and 1972, respectively) and were forced to appeal to “the people” of California with their proposal. They organized themselves as the Fair Labor Practices Committee in support of the initiative and claimed the support of some farm workers. They also claimed the support of the California Chamber of Commerce, but were opposed by the California Labor Federation, the AFL-CIO, the Teamsters, and the UFW. The Fair Labor Practices Committee committed “upwards of \$600,000” to a media campaign promoting passage of the initiative. The aim of the legislation, they said, was to “achieve a fair and equitable balance between the interests of the general public, the agricultural employee, and the agricultural employer.”<sup>6</sup> The media effort was aimed at the state’s urban population. The growers thereby acknowledged the need to win friends and approval from communities outside their historic sphere of influence. They had been economically tied to urban institutions and had cultivated and maintained influence among select urban business associates for decades, but they had not felt the need

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<sup>3</sup> The growers’ inability to get an acceptable measure through the legislature led them to go directly to the voters in an effort to get from the people what they failed to obtain from the people’s representatives.

<sup>4</sup> Varden Fuller, “Professor Proposes System of Mediation and Arbitration to End California’s Farm Union Representation Conflict,” *California Journal* 4 (September 1973): 299.

<sup>5</sup> “Farm Labor–Management Relations,” *California Journal* 3 (August 1972): 231–32.

<sup>6</sup> “Farm Labor–Management Relations,” 232.

to explain their business practices or represent them in a particular light to urban audiences before.<sup>7</sup>

The ballot initiative compelled growers to represent their interests as fair and impartial in a general way; that is, in a way that would appeal to outsiders, and it compelled them to define and address very precise and specific issues in concrete terms. The provisions of the initiative were weighted in favor of the growers, but they did outline specific issues dividing the two camps — growers and farm workers — and thus prepared the way for negotiation. It was a great political coup for farm workers to have forced growers to appeal to “the public” for a resolution of the conflict between employers and employees in agriculture. The issues outlined in Proposition 22 were as follows:

(1) Who would participate in elections if Proposition 22 passed and the act became law? Grower-backed Proposition 22 excluded most migratory workers.

(2) What employers would be covered by the Agricultural Labor Relations Board proposed in the act? Employers with fewer than six workers could choose to be covered by the act, but labor had no say in the matter.

(3) What would be the extent of the collective bargaining unit? Collective bargaining would be limited to an individual farm unit unless a different agreement was reached by employer and union. As consequence, labor argued, there would be no industry-wide bargaining.

(4) How would a union communicate with workers? The act would prohibit or discourage union representatives from visiting workers on farms, where many workers live, without an employer’s permission.

(5) Could growers remove the threat of a strike at harvest time? The act provided for a sixty-day temporary restraining order which would severely limit strike activity during the critical brief harvest season.

(6) Could growers infringe on the union’s ability to picket and boycott? Proposition 22 would permit strikes and picketing at the point of production, but not at the point of sale, thus eliminating the secondary boycott. It also limited consumer boycotts by outlawing the use of generic terms like

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<sup>7</sup> Leland L. Bull, Jr., “Application of Christian Principles for the Promotion of the Rights of Migrant Workers and Refugees in the Field of Labor Rights in the U.S.A.,” *The Catholic Lawyer* 20, no. 3 (1974): 233–53; Wayne Fuller, “Farm-Labor Relations,” *Idaho Law Review* 8 (Fall 1971): 66–76.

“lettuce” and “table grapes” in boycott announcements, requiring identification of particular growers as the target of the boycott. In labor’s view this provision would have rendered consumer boycotts practically impossible, since a number of major farm brands are cooperatives, like Sunkist, and comprise a number of growers, only some of whom may be specific targets of a boycott.

(7) How heavily would growers be penalized for arbitrarily dismissing an employee? Proposition 22 did not compel a grower to grant back pay to an employee found to have been fired without just cause. The act would compel the worker to be reinstated, but he would not receive back pay. Proposition 22 was defeated, but these same issues were the subject of debate leading to successful passage of the 1975 Agricultural Labor Relations Act.<sup>8</sup>

From 1969 on, growers were active in pushing for regulation of labor relations in the industry. They wanted to recognize the union on their own terms. Beginning in 1969, the UFW, without the formal concurrence of the national AFL-CIO, opposed all labor relations legislation except the original unamended NLRA. That is, the UFW supported the 1935 NLRA without its 1947 Taft–Hartley amendments which forbid secondary boycotts by official unions.

Actually, the UFW had had mixed feelings about supporting NLRA and NLRA-type legislation before 1969, when labor supporters in California and elsewhere in the nation argued for it on behalf of the new union. For the most part, UFW officials refrained from public opposition to such legislation for fear of alienating their liberal backers and their parent national union, but they clearly saw the relative advantages of activity outside the legal framework of NLRA legislation. They looked upon the organizing activities of the UFW as a political movement. Chavez was a political outsider who was powerful precisely because he could not be fitted into established political processes on someone else’s terms. He was intransigent in the face of pressures of all kinds. Chavez knew that the secondary boycott, forbidden to unions covered under the provisions of the Taft–Hartley Act,

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<sup>8</sup> California Initiative, Proposition 22 (1972 general election), rejected by California voters, November 1972; California Labor Relations Act of 1975, Cal. Labor Code, para. 1153 (c) (West, Supp. 1976), 1140–1166.3.

was one of his union's most powerful weapons, and he was more than a little reluctant to give it up. He did not want his union to be regulated out from under him — to be pushed, that is, by internal organizational pressures and external legal-liberal pressures to become like many of the older, established unions:

The danger is that we will become like the building trades. Our situation is similar — being the bargaining agent with many separate companies and contractors. We don't want to model ourselves on industrial unions: that would be bad. We want to get involved in politics, in voter registration, not just contract negotiation. Under the industrial union model, the grower would become the organizer. He would enforce the closed shop system; he would check off the union dues. One guy — the business agent — would become king. Then you get favoritism, corruption. The trouble is that no institution can remain fluid. We have to find some cross between being a movement and being a union. The membership must maintain control, the power must not be centered in a few.<sup>9</sup>

Industrial unions, according to Chavez, focused on winning contracts and then gave up the larger struggle. They hardened and became conservative. His hope was that the UFW would be different. Chavez was forced to compromise only when the organizing momentum was no longer in the UFW's favor.

The 1973 harvest season was a critical time for the UFW union. The Delano Grape Strike begun in 1965 proved to be the first successful attempt to create a farm workers' union in California. The Teamsters Union had for some time represented workers in jobs closely related to field labor — food processing, warehouse, and transportation workers who handled agricultural goods. The Teamsters had made some efforts to organize farm field labor prior to the successful efforts of the UFW, so the potential for a jurisdictional fight between the two unions was present early on. In 1967, however, an agreement was reached between Chavez's AFL-CIO affiliated union and the Teamsters to the effect that Chavez's union would have exclusive rights to organize field workers while the Teamsters would represent

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<sup>9</sup> Jacques E. Levy, *Cesar Chavez: Autobiography of La Causa* (New York: W.W. Norton & Co., Inc., 1975).

processing, warehouse, and transportation workers associated with agriculture. After another three years of hard organizing in the Coachella Valley and in and around Delano, Chavez was forced to move his operation to Salinas and confront the Teamsters in a jurisdictional fight for field laborers. In 1970, Chavez was at the peak of his power, having won 182 contracts covering 42,000 lettuce, grape, and soft fruit workers, but his position was seriously threatened.<sup>10</sup>

The outcome of the competition with the Teamsters was devastating to the UFW. By harvest time 1973, the UFW held only 12 contracts covering 6,500 workers, most of whom were wine grape employees.<sup>11</sup> Growers had gone to the Teamsters and negotiated contracts with them directly. In Washington, George Meany initiated negotiations with Frank Fitzsimmons in an effort to bolster the flagging UFW. All this time, growers were pushing hard for pro-management labor legislation. In San Francisco, representatives of the two unions headed by Chavez on the one hand, and by Einar Mohn, head of the Western Conference of Teamsters on the other, began peace talks in hopes of hammering out another jurisdictional agreement. The 1973 harvest, however, saw 4,000 striking farm workers and UFW supporters jailed for defying court orders, two UFW pickets killed, and another Chavez fast. With the organizing momentum collapsing under him, Chavez began to revise his anti-farm labor legislation position.<sup>12</sup>

In the aftermath of violence during the 1973 harvest, Chavez and his union filed a number of civil suits against the Teamsters. If the suits had gone to court, the Teamsters would have had to produce what were widely believed to be damaging private records for court review. At the time, the Teamsters were being scrutinized by investigators looking into the Teamsters' pension fund and the mysterious disappearance of Jimmy Hoffa. The UFW was, in addition, accusing Teamster "goons" of brutality and murder.<sup>13</sup>

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<sup>10</sup> Bruce Keppel, "The Bitter Harvest," *California Journal* 6 (November 1975): 377–79.

<sup>11</sup> *Ibid.*, 379.

<sup>12</sup> "Is Chavez Union on Brink of Defeat?" *California Journal* 4 (September 1973): 297–98.

<sup>13</sup> Edward J. Walsh and Charles Cravpo, "Union Oligarchy and the Grassroots: The Case of the Teamsters' Defeat in Farmworker Organizing," *Sociology and Social Research* 63 (January 1979): 269–93.

Farm workers, the poorest paid work group in the country, were not very valuable to the Teamsters. From the outset, the Teamsters had been more concerned with jobs in packing sheds and processing plants, jobs historically controlled by Teamsters and allocated to them in their original jurisdictional agreement with the UFW. They had entered the fray primarily to protect their own workers who could be hurt by a major harvest-time strike, or so they said. They were considerably less interested in new Teamster recruits. In addition, Teamsters were persuaded that mechanization would dramatically reduce the number of field labor jobs and that this trend would be exaggerated by wage increases due to unionization. This has proved to be true.<sup>14</sup>

Once Meany began talking to Fitzsimmons, a more “useful” form of communication between the UFW and the Teamsters was possible. At the national level, the conflict was seen as one union fighting another — an anti-labor phenomenon. At the local level, the Teamsters had more in common with farm management, particularly the big agribusiness firms, than they did with the UFW, which they saw as a political movement led by an intransigent, disdainful messiah — a civil rights leader, not a labor leader.<sup>15</sup>

When Governor Jerry Brown took office in 1975, there were two major farm labor bills before the legislature. One was authored by Democratic Senator George Zenovich of Fresno and backed by grower and Teamster interests.<sup>16</sup> The other was a UFW bill introduced by Chicano Assemblyman Richard Alatorre.<sup>17</sup> In April 1975 Brown introduced a compromise bill,<sup>18</sup> but Chavez quickly refused to support the governor’s proposal in a letter to Zenovich, stating that the UFW would back only Alatorre’s bill. All others were “unacceptable, unworkable, and unamendable.”<sup>19</sup> Despite the UFW’s quick rejection of Brown’s compromise bill, however, it was clear that the UFW needed legislation to insure openly competitive elections on farms and in areas where the Teamsters were undermining its organizing efforts. In a long battle of perseverance and attrition, the UFW

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> California Senate Bill 308.

<sup>17</sup> California Assembly Bill 1.

<sup>18</sup> California Senate Bill 813.

<sup>19</sup> Bowman, “Coups,” 190.

might well have beaten the Teamsters in the field, but if Chavez wanted an immediate advantage, legislation held the best promise of giving him that advantage. Legislation enabling the UFW to call for elections and to take action against growers and Teamsters for engaging in unfair labor practices was the best immediate strategy to end Teamster-grower collusion, or so Chavez had grudgingly come to believe.<sup>20</sup>

Realistically, Brown's bill or an amended version of his bill was the only measure that could pass the legislature, since it provided assemblymen with a way to enact legislation without appearing to choose sides. Consequently, the governor took additional steps toward compromise. He instructed Rose Elizabeth Bird, his secretary of agriculture and services, to analyze the issues at stake in the farm labor bills before the legislature. Bird then met with growers and UFW representatives, the Teamsters having declined to participate. Messages were relayed back and forth between Bird, the governor, the legislature, the growers, and UFW representatives. Soon, the governor was directly involved, discussing labor legislation issues with legislators and growers in the privacy of his office.<sup>21</sup>

Brown wanted to persuade the various parties that his compromise bill was different from previous approaches to the problem of enacting farm labor legislation and he wanted to narrow the range of disagreement to specific issues — "leaving rhetoric aside."<sup>22</sup> Actually, Brown was dealing with essentially the same set of issues that had divided growers and farm workers on the problem of farm labor legislation in 1969. Brown had ready access to the UFW through Leroy Chatfield, one of his aides who previously had worked for Chavez, but he needed to draw growers and grower-related interests into the negotiations in a positive way. He managed to do this by creating the impression that a compromise could be reached, that he was willing to go out on a limb for it, and that a political atmosphere of power brokering would surround the negotiations. Brown was able to assure growers that practical, and not ideological, issues would be discussed, that values would be stripped from the process and the mechanics

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<sup>20</sup> Jeff L. Lewin, "Representatives of Their Own Choosing: Practical Consideration in the Selection of Bargaining Representatives for Seasonal Farmworkers," *California Law Review* 64, no. 3 (May 1976): 732.

<sup>21</sup> Bowman, "Coups," 190–91.

<sup>22</sup> *Ibid.*, 190.



of implementing unionization emphasized. The growers knew that Brown had close contacts with the UFW. They assumed that Brown and Chavez were friends and concluded that Brown knew that Chavez would deal. They knew that Brown was taking a risk, but they figured that he would not gamble on a political issue of such magnitude if the odds were against him. A compromise, then, was likely. With negotiations underway, Brown could not afford to be openly partisan. Growers saw Brown as a mediator in a straightforward political struggle. Even if negotiations collapsed, Brown would be compelled to smooth things over. He might then have to go directly to the more conservative grower-related interests in the legislature, thus creating opportunities for bargaining and concessions on other issues. Growers, then, had little to lose. The key to Brown's ability to engage growers, however, was their by-then longstanding support of farm labor legislation and Brown's promise that tough bargaining would replace rhetoric. The silent power-broker style of negotiation would hold sway over public denunciations of the immorality of growers by Chavez and the UFW. Chavez would not be able to "drag religion into it" if negotiations were conducted by the governor's office.<sup>23</sup>

The talks centered around three main issues: (1) the size of the bargaining unit, (2) jurisdictional disputes between unions, in particular, the disposition of existing Teamster contracts, and (3) the use of the secondary boycott. A compromise solution was reached in each instance. The definition of the bargaining unit in the ALRA of 1975 was the same as its definition in the UFW-backed Assembly Bill (AB 1) authored by Alatorre. The employer unit, rather than the craft unit or the farm unit was to be the bargaining unit in a given contract negotiation unless the employees worked in non-contiguous areas, in which case the Agricultural Labor Relations Board was to pick the bargaining unit (from among the employer, craft, and farm units).<sup>24</sup>

One of the sticking points in the negotiations concerned jurisdictional rivalries between the UFW and the Teamsters. The Teamsters feared that the proposed labor legislation would automatically invalidate all of their existing contracts. When Brown's proposed bill was first unveiled,

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<sup>23</sup> Interview with Johnson, August, 1978.

<sup>24</sup> Cal. Labor Code para. 1156.2 (West Supp. 1976).

the Teamsters held 400 contracts with growers covering more than 50,000 workers. Bird assured the Teamsters that their contracts would remain in effect until new representation elections were held under rules established by the proposed act. If the UFW, for instance, obtained a show of interest among workers on a farm, and if a representation election was held according to guidelines established by the act and the UFW won, then and only then, would a Teamsters' contract be invalidated and replaced by a contract negotiated between the grower and the UFW. The building trades within the AFL-CIO were also concerned about the potential effects of the proposed legislation. They were afraid that the ALRB would allow farm workers rather than building tradesmen to be hired for construction jobs on farms. On May 19, 1975, Brown negotiated a compromise giving the Teamsters and the building trades union the protective language they desired and promising Chavez that the bill would be enacted prior to the 1975 fall harvest season.<sup>25</sup>

Perhaps the major compromise reached in the negotiations concerned use of the secondary boycott by unions. The parties eventually agreed to prohibit secondary boycotts before a bargaining unit was certified, but to allow secondary boycotts by a certified union. That is, the secondary boycott could be used as a collective bargaining tool (by a certified union), but it could not be used to force a grower to recognize a particular union.<sup>26</sup>

The UFW publicly opposed Brown's original compromise and continued to oppose it even in amended form until the final night of negotiation. Jerry Cohen, the UFW's principal attorney, called the bill "deceptive" and three Chicano legislators, Art Torres, Richard Alatorre, and Joseph Montoya, accused Brown of adopting a "racist" farm-labor policy. Behind the scenes, however, the UFW was pressing for the most favorable law possible, having embraced the need for legislation that would make it possible for farm workers to challenge Teamsters' contracts. The Western Conference of Teamsters, on the other hand, praised Brown's original proposal, but withheld endorsement of it, and later opposed the measure when they realized that the legislation might invalidate their contracts with growers.<sup>27</sup>

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<sup>25</sup> Bowman, "Coups," 191–92.

<sup>26</sup> "California Compromise," *Time*, May 19, 1975, 18.

<sup>27</sup> Bowman, "Coups," 191.

Brown made changes in the bill during the negotiations in an effort to please both Chavez and the growers.

The growers accepted the bill for several reasons: Chavez's important strategic weapon, the secondary boycott, was limited by the legislation; the bill provided for a "no union" option in representation elections; and the alternative to legislation seemed to be more years of unregulated labor strife in the agricultural industry in California. If the act passed, there would be legal pressure for Chavez to conform to standard labor union practice. The compromise was a victory for Chavez and the UFW, assuming the UFW could win big in the representation elections. The UFW could call strikes at harvest time, it could get secret elections to challenge Teamster contracts, and it could still conduct limited secondary boycotts.

The basic provisions of the Brown compromise bill were as follows:

(1) Workers' representatives were to be selected by secret ballot elections with a "no-union" option entered on the ballot.

(2) Elections were to be held within seven days after the filing of an election petition and, if possible, within 48 hours after filing, if the majority of workers were on strike.

(3) Employees eligible to vote were to include all employees on the payroll immediately prior to the filing of an election petition, all employees discharged after the petition filing, and all persons displaced by strike activities immediately before and after filing.

(4) A union could appeal to consumers not to patronize a neutral employer where no representation election had been held in the last twelve months or where no union had been certified in twelve months and a union could lobby consumers not to buy a specific product at a neutral employer's place of business; but a union could not force employees of a neutral employer to strike or to cease work to pressure an employer to stop doing business with a primary employer.

(5) Picketing to get an employer to recognize a union was allowed for up to thirty days before filing an election petition only when no union was certified or where no election had been held within the last twelve months.

(6) The bargaining unit was to include the employer unit unless employees worked in non-contiguous areas, in which case the board picked the bargaining unit.

(7) The legislation permitted contracts in force when the act took effect to be challenged through election.

(8) Twenty-four-hour notice had to be given before court orders could be sought to ban pickets.

(9) Parties hurt by a board order could obtain a review in the Court of Appeal.

(10) The Agricultural Labor Relations Board was to consist of five full-time members. Board members were not required to be representative of any particular set of interests. That is, the act did not specify board member qualifications.<sup>28</sup>

The act went into effect on August 28, 1975. Newly appointed board members had less than a week to prepare to conduct the first of the secret ballot representation elections scheduled for September 2nd. By the end of the first month, the agency had had to conduct 200 elections and at least as many unfair labor practice complaints had been filed. By contrast, the NLRB in its first year of operation handled something like 35 elections. Ninety-one employees were hired during the first month of operation. Three were required to conduct each election. One office alone ran 17 elections in a single day. The demand for services was extraordinarily high, and the amount of funds and staff hours necessary to do the work was grossly underestimated. In addition, agency personnel had been hired quickly and in some cases the screening process was not exacting enough. In Salinas, a regional director of the ALRB was dismissed after complaints were lodged against him. The most time-consuming aspect of the work being done by the agency, however, was investigating complaints, holding hearings on contested ballots, and issuing findings.<sup>29</sup>

Brown and the board were engulfed in a flood of criticism of the agency's work. The governor responded with an excuse and a bit of philosophy. The agency, Brown, said, had had to deal with "unprecedented elections under unprecedented conditions."<sup>30</sup> Controversy surrounding the agency

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<sup>28</sup> Lewin, "Representatives," 732–92; Herman Levy, "The Agricultural Labor Relations Act of 1975," *Santa Clara Lawyer* 15 (1975), 783; Lucinda Carol Pocan, Comment, "California's Attempt to End Farmworker Voicelessness: A survey of the Agricultural Labor Relations Act of 1975," *Pacific Law Journal* 7 (January 1976): 197.

<sup>29</sup> Harrington interview.

<sup>30</sup> Bowman, "Coups," 90–92.

raised “the question of the limits of government in terms of expectation.” What’s more, a piece of legislation could hardly be expected to “resolve the disputes of decades.”<sup>31</sup>

The UFW was one of the agency’s chief critics. Chavez called Walter Kintz, the board’s general counsel, “evil,” and on September 15th called for his dismissal.<sup>32</sup> Charges and countercharges were daily reported in the papers, tensions between board members surfaced, and so the governor sent Lew Warner, an aide, to investigate relations between Kintz and the board. Meanwhile, the (pro-grower) Board of Agriculture called on the legislature to investigate implementation of the new act. The Teamsters picketed the ALRB’s Fresno office to protest agency actions, and the UFW picketed the board’s headquarters in Sacramento to protest agency inaction.<sup>33</sup>

By October Kintz had hired ten additional investigators and attorneys to work on complaints and began brushing up the agency’s tarnished image with brave statements to the press.<sup>34</sup> The board’s \$1.3 million initial grant, meanwhile, was fast disappearing under the pressure of very heavy expenditures.

Conflicts and tensions were exacerbated by the early elections returns. Of the 218 elections held as of October 14, 1975, 103 had been won by the UFW and 80 by the Teamsters. In 10 elections, a “no union” vote came out on top. The UFW tallied 13,841 votes, the Teamsters, 7,903. “No union” got 4,406 votes. The UFW won the right to represent 11,695 workers, but the Teamsters were a close second with 9,556. One thousand four hundred and ten workers chose to go unrepresented. Tens of thousands of votes were challenged by both the UFW or the Teamsters, and the beleaguered ALRB was charged with investigating these cases of alleged vote fraud and voter ineligibility.<sup>35</sup>

The agency ran out of funds and officially closed its doors on February 6, 1976. A massive backlog of work had piled up and many agency

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> “Rendering to Cesar: Election Results,” *Time*, September 22, 1975, 32; Veral M. Seagraves, “Cesar Chavez and the Farm Workers: Victories, Yes, But the Struggle Goes On,” *Christian Century*, December 17, 1975, 1160.

employees continued to work without being paid. These “zealous” staffers prompted cries of outrage from some groups who pointed to this kind of die-hard enthusiasm as proof that there was something wrong with the agency, that the agency had hired the wrong kind of people for the non-partisan administrative work required. People who would work without pay in an atmosphere of virtually nonstop criticism and bitter political controversy were clearly fanatics. Long after the 6th, as agency personnel continued to staff the office, a collective and companionate style of work relationship emerged.

Employees pooled their checks and helped each other out in what some of them viewed as an atmosphere of “siege.” These staffers had come to define their work as a cause. A final order came down, however, demanding a stop to agency activity. Agency property was “reclaimed.” Door locks were changed and agency files were seized. As a consequence, a significant number of 1975 election returns were not officially processed, and many 1975 unfair labor practices charges went unresolved.<sup>36</sup>

The feeling at the time the agency ran out of money was that the legislature would not let the agency die — that Brown would fight for more funds to allow the agency to continue its work. The agency had already borrowed \$1.75 million from the state treasury and was unable to borrow more. Various compromises were talked about but nothing more happened.

Growers seized the opportunity to push for changes in the basic law as a condition for approving additional funds, but Brown and key legislative leaders refused to make changes.<sup>37</sup>

In the meantime, the UFW began circulating initiative petitions to reenact the law with several changes and to direct the legislature to fund the ALRB. Within twenty-nine days the UFW had secured the 750,000 signatures necessary to qualify the proposition for the November ballot. The speed with which signatures were collected conveyed the message to the legislature that something should be done, that there were political risks

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<sup>36</sup> “California Farm Board Throws Out Results of Three Ranch Elections,” *Los Angeles Times*, January 29, 1976, I-25.

<sup>37</sup> William Endicott, “Grower-Backed Farm Labor Bill Gains,” *Los Angeles Times*, March 4, 1976, I-26; Bill Stall, “Brown Claims Gains for Farm Board Revival,” *Los Angeles Times*, March 6, 1976, 8; “Grower-Backed Measure on Farm Labor Act Killed,” *Los Angeles Times*, March 10, 1976, I-3.

in taking a no-ALRB approach. The legislature compromised on the funding by requiring legislative oversight of agency activities and did so before Proposition 14 was put to the test in the November election.<sup>38</sup>

In the election, the proposition failed by a 2-to-1 margin statewide. In fact, the initiative carried only two counties, Alameda and San Francisco. Afterward, there was a significant backlash over board actions. The election returns had provided new grounds for criticizing the ALRB. Some groups claimed that the board was trying to administratively impose the kinds of motions and procedures that were at least partly contained in Proposition 14 and which had been defeated in the election. They argued that the people rejected things that the board continued to do.<sup>39</sup>

The ALRB was out of business from February 6, 1976 to July 1, 1976 when additional funds were made available for the fiscal year 1976–77, contingent upon the establishment of a legislative committee to oversee the functions of the ALRB. Once established, the legislative committee called public meetings in various places throughout the state and invited all interested parties to speak out about the agency and the legislation. As one ALRB attorney put it, public forums were created for people “to tell their horror stories about the agency.” The committee was “representative” in that committee members with opposite points of view were included. Assemblyman Alatorre, a UFW backer, and Howard Berman, who, along with Senator John Dunlap, had managed the original ALRA through the legislature, were on the committee as was Senator John Stull, one of the strong political forces in opposition to the agency. In 1977 Stull tried to amend the ALRA to forbid use of “the access rule.” The access rule is not, in fact, part of the legislation, but rather an administrative ruling permitting a union access to workers on private farm property during certain times in the day. The agency was refunded for fiscal year 1976–77, but it was not a permanent part of the state structure with yearly budget guarantees.

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<sup>38</sup> Tom Goff, “New Effort to Fund Farm Board Slated,” *Los Angeles Times*, March 16, 1976, III-8; Larry Stammer, “Panel Votes Emergency Funds for Farm Board,” *Los Angeles Times*, March 17, 1976, I-3.

<sup>39</sup> Harry Bernstein, “New Charges Hit Farm Board,” *Los Angeles Times*, February 17, 1977, II-2.

Its continued existence in the form in which it had been created was still up in the air.<sup>40</sup>

The ALRA of 1975 established a system giving farm workers the right to select unions to represent them in bargaining with employers. In the language of the legislation, the agency was directed to promote this right. The agency, of course, was not to indicate a preference for one union over another. There is little doubt, however, that a large majority of the individual members of the agency were sympathetic to the UFW. One central office staff attorney, when asked who the ALRB's allies were, responded: "There used to be a reaction which would say that it was probably the union, the UFW. I think institutionally that's still correct."<sup>41</sup> It was not easy for the liberal, socially conscious, institutionally-based ALRB attorneys to look upon the UFW as an adversary.

The UFW, on the other hand, could easily count the ALRB among its enemies when agency actions ran counter to its interests. The 1977 elections in the Coachella Valley are a good example of the context in which the union could view the ALRB as an enemy. The union did poorly — certainly what they considered to be poorly — in the Coachella Valley elections. The UFW lost some elections, and others were stalemated by large numbers of challenged ballots. In some cases, elections were not conducted because the union failed to get a 50 percent showing. Before the agency could conduct an election, it must have evidence that at least 50 percent of the currently employed employees wanted to have an election. Evidence consists of signatures on authorization cards of election petitions. The union felt the ALRB was largely to blame. Union people blamed the ALRB on a personal basis. UFW organizers went to the ALRB regional office and literally screamed their accusations at staff members. The union charged Coachella Valley growers with large-scale manipulation of the work force just before the elections were to take place. Large numbers of workers, it claimed, were being laid off so that they would not be able to vote. The UFW further charged the ALRB with sanctioning grower manipulation by not acting affirmatively to stop the firings, by not aggressively investigating charges brought to its attention by UFW representatives, and by failing to

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<sup>40</sup> Harry Bernstein, "Lawmaker Supports Farm Board Aide," *Los Angeles Times*, February 18, 1977, II-3.

<sup>41</sup> Harrington interview.



provide assurances to farm workers that they could engage in organizing activities without fear of losing their jobs.<sup>42</sup>

The Coachella Valley became the testing ground for an agency regulation passed in the fall of 1977. The practice had been for the union to receive a list of the names and addresses of current employees after an election petition had been filed. Under the new regulation, a pre-petition list was to be drawn up by the growers; the UFW was to have access to a list of the names and addresses of current farm employees prior to the filing of an election petition. The union needed a list to organize an effective petition campaign, i.e., to get their 50 percent showing. The growers opposed the regulation and turned to the courts to fight it.<sup>43</sup>

In the rural Superior Courts, growers were largely successful in gaining injunctions against the new ALRB regulation and in resisting a variety of attempts to enforce it. They tied the UFW's organizing efforts up for weeks.<sup>44</sup> Since organizing is really only effective during the harvest season of 8–12 weeks, the growers managed to delay and thus defeat the UFW's organizing efforts for another year.

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<sup>42</sup> Theo J. Majka, "Regulating Farmworkers: The State and the Agricultural Labor Supply in California," *Contemporary Crises*, April 1978, 141–55.

<sup>43</sup> *Ibid.*

<sup>44</sup> Harrington interview.

*Chapter 9*

## CONCLUSION

California agriculture has distinctive characteristics, and as a consequence the farm labor problem in California is unique. As this history has shown, each of the groups involved with farm labor in California understood the agricultural system from its own point of view, and each misrepresented the system's features to itself and to others. Unlike the Jeffersonian ideal of the small family farm, which was approximated by the pattern of land settlement in the East and Midwest, California's agricultural system is based on large tracts of land and an abundant, flexible labor supply to work them. The labor supply established and maintained by the system consisted of persons of color held in a subordinate position within a wage labor hierarchy. The ideologies of workers, labor organizers, and political reformers did not accurately reflect these facts. Nor did the growers as they consolidated their position and struggled to contain the conflict generated by American democrats and farm labor reformers.

The growers allied themselves with corporate interests and strove to promote the prerogatives of business, denying all the while that they were corporate giants whose base of support extended beyond local communities. Effective political support for the farm workers came late, as a by-product of the Civil Rights Movement. Reform politicians of earlier

periods had established civic peace as their primary goal and thus lent support to business interests generally. Against great odds, the unions fought for control of the labor force. But the unions also fought each other, and the mainstream of the labor movement sided with business against radical labor organizers. The early union power struggles ended with an alliance between big labor and big business. With the Civil Rights Movement at its peak, however, the UFW introduced new ethnic and religious elements into the situation and CRLA, with its legal tack, reinterpreted and invigorated basic liberal values. These two groups were successful as no other group or combination of groups had been, but their attempted partnership failed. They, too, came into conflict with one another.

As often as not in our story, allied groups worked at cross purposes, and indeed, progress seems to have come from unintentional, if not completely inadvertent, factors. It is the marked changes in the social perspectives of American democrats and reformers engaged in the farm labor issue that I have documented, together with grower efforts to contain the conflicts they generated. My principal conclusion is that each group understood land tenure and the position of agricultural workers in reference to its own views and acted accordingly, with unexpected consequences. First to be considered were the agrarian idealists.

The agrarian idealists tenaciously clung to Thomas Jefferson's model of the family farm, however rapidly land speculation, industrialization, and monopolies in banking and transport raced ahead. Jefferson believed that farm labor was the ultimate form of self-reliance, and the family farmer the ultimate autonomous citizen, immediately dependent upon God and his own toil; not part of the stream of commerce, polluted by greed. A nation of family farms would check the development of predatory commerce, finance, and manufacturing, and the growth of extremes of wealth and poverty. Democracy and farm labor in a system of small farms would guarantee one another. By the turn of the century, however, the agrarian idealists were grossly outnumbered by those who profited from the special organization of agriculture along the lines of a rationalized plantation system.

Progressives in California had their major impact on farm labor from 1911–27, beginning with the inauguration of Hiram Johnson as governor. The Progressives were influential reformers, but they opposed unionization. They documented the evils of farm labor life and helped advance the

education of elite and public opinion. They saw the social conditions of farm labor as pathological, and this was radically new, but they did not seek solutions involving new structures of economic or political power. Hence, their characteristic solutions, when they ventured beyond immediate relief and welfare measures, became diffuse and symbolic. During this period, the only systematic efforts at organizing farm labor came from the International Workers of the World, whose efforts were crushed, with Progressive cooperation, under criminal syndicalism laws enacted during World War I.

The Communist Party, during the 1930s, encountered obstacles similar to those faced by the IWW, and met with a similar fate in its attempt to organize California farm labor. These obstacles included grower unity, judicial hostility, police repression, and the isolation entailed by reliance upon an ideology extrinsic to the situation of farm workers. Underlying these obstacles were firm and persisting economic realities: (a) a system of concentrated ownership of very large parcels of land, often held by single families, (b) the industrialized form of agricultural production, utilizing mechanization, chemicals, a seasonal but concentrated work force, and high speed processes of handling and transport, and (c) a network of relationships with the larger institutions of American life, through interlocking corporate directorates and government subsidies.

The larger developments in American society in the 1930s, the coming of the New Deal, legal recognition of collective bargaining, and the organizing success of mainstream labor in crafts and trades and industries, did not advance the cause of farm workers because New Deal labor policy was largely paternalistic and conservative, and did not allow for protracted hostile and competitive relations between workers and management. Where labor organizing would increase social conflict before it would diminish it, New Deal officials and AFL leaders alike shunned it.

The early and mid-1930s, then, saw the burial of ideological movements and the selective protection of labor. In the final three years of the decade, 1937–39, *The Grapes of Wrath* appeared, Senator Robert LaFollette's subcommittee held hearings on farm labor in California, and the AFL, supporting its affiliate, the Teamsters, cooperated with growers against CIO attempts to organize farm workers. While awareness of the farm workers' desperate conditions was rising, their organization was still held hostage

to conflicts between larger actors. Effective institutional support and assistance from beyond the localities was still missing.

The import of outside power structures is underscored in another period of reform activity, covering the years 1947–52. During this time, the National Farm Labor Union, under the leadership of H. L. Mitchell, launched a sustained effort to organize farm workers in the southern San Joaquin Valley. Mitchell's drives, directed chiefly at organizing workers on the DiGiorgio holdings, utilized many of the same tactics later employed by Cesar Chavez, but to no avail. Farm strikes, boycotts supported by organized labor, and demands for legal protections that were endorsed by various liberal groups, as well as skilled organizational techniques — all these tactics were brought to use. The national political system, however, during these times of postwar economic boom, and a return to war in Korea, was not engaged with groups and issues of high salience to the farm workers' cause. Under these circumstances, the superior resources of the farm employers prevailed.

During the years 1956–64, the preconditions for successful farm worker organization may be seen finally to emerge. In the late 1950s, liberal organizations and the AFL-CIO joined forces to form a National Advisory Committee on Farm Labor, which led to the creation of a four-point program to abolish "alien" worker programs, enact health and welfare laws to cover farm workers, educate the public, and organize farm workers. During this critical time, two successive secretaries of labor, under Republican President Eisenhower and Democratic President Kennedy, supported termination of the bracero program, an objective not achieved until Lyndon Johnson was in office. Secretaries Mitchell and Goldberg did advance other protections for farm workers, including a somewhat more meaningful minimum wage.

Chavez's success depended vitally upon the ideology that he and the UFW developed and came to represent. At the same time, the group alliances that Chavez and the UFW struck, though they did not last, were crucial to the success of the farm workers' movement in California. Beginning in the late 1950s, the Civil Rights Movement had steadily inched toward the center of liberal awareness. The struggles, defeats, and victories of this movement manifested a number of features which became characteristic of the approach of Chavez and the UFW. The Civil Rights Movement was

led by a single dominant and charismatic figure, Martin Luther King, Jr. King appealed to values that he traced to Christianity. He espoused non-violence as a principle and a tactic. He utilized the tactic of boycott. He led large marches. He drew national media coverage of local elites responding to peaceful protest with abuse and violence. He became a moral hero as well as a political leader to millions of Americans. In all these respects the progression of Chavez and the UFW replicates King and the Southern Christian Leadership Conference.

The War on Poverty was an attempt to rationalize a series of parallel programs which served traditional but not always allied constituencies of the Democratic Party; the poor in the cities and in the countryside alike. Michael Harrington's book, *The Other America*, which helped advance American awareness of the poverty issue, called particular attention to rural poverty. Edward R. Murrow's television program, *Harvest of Shame*, aroused indignation. A major thrust of the administrative umbrella of the War on Poverty programs of the Office of Economic Opportunity was community organizing and participation of the poor. This sensitized liberals to the need for both, and it made Chavez and the UFW seem to be serving national interests.

A second major thrust of the OEO was legal assistance to the poor. This was to serve the two-fold purpose of protecting the poor and vindicating the integrity of the legal system. Liberals ardently supported both objectives, particularly the first; attorneys and conservatives were drawn to support the second. The OEO legal aid programs, often called the best in the nation, were specifically designed to serve the legal needs and interests of California's rural poor. CRLA demonstrated the contribution the courts could make to admitting farm workers to full and equal stature within the American legal system by appealing to constitutional provisions embodying basic national values. With the use of class-action cases, CRLA attorneys, at one and the same time, raised farm worker consciousness and public awareness of the rural poor as a distinct group.

Nevertheless, Chavez maintained support among activists and voters who supported the Civil Rights and poverty movements long enough to win important concessions from the growers. His support was based on an appeal for a more adequate implementation of basic standards of fairness and equal treatment. California growers had lost control of the

political environment due to redistricting following the 1960 census, due to reapportionment decisions, and due to the strength of the liberal-labor coalition that was mobilized to support farm workers. By 1969, rather than struggle for uncertain outcomes in an uncertain legislative process to protect marginally greater profits, growers preferred stable and predictable recognized bargaining that a business-oriented labor union would advance. They wanted to avoid damaging political and economic actions directed against them. The success of Chavez rested partly upon the process of labor organization as an extension of the rationalization and control of the economic world undertaken from opposed but convergent perspectives by California agricultural businesses and national organized labor. And so it was that progress was a result of factors not directed by the social movement organized to achieve it. Progress came from an unanticipated and unintended array of things.

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## CODA

The United Farm Workers' movement has been remarkably successful. After a century of exclusion, many California farm workers are now unionized and protected by strong labor legislation. The farm workers' union is a political and economic power. It uses a portion of its membership dues to finance a substantial lobbying effort in Sacramento, and, in 1979, it conducted the best organized strike in its history, involving 4,100 workers in an action against ten companies in the Imperial Valley. When the strike was settled, seven months after it began, the union had won a 57 percent increase in wages from the nation's largest lettuce grower.<sup>1</sup>

In the most recent phase of reform activity, however, the farm workers' movement has come up against a fundamental limitation, a Weberian-style dilemma, brought on by passage of the Agricultural Labor Relations Act, diminished public interest in the farm workers' cause, and the routine concerns of farm workers as workers. Chavez has continued to use the strategies and tactics of a charismatic social movement, but he has been less successful with them than in the past. The union must administer the contracts it has.

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<sup>1</sup> "Pioneer Farm Labor Act is Imperiled in California," *New York Times*, May 22, 1983, A24.



Adversaries and allies alike demand that this be done in an efficient, professional manner. Chavez, however, has continued to maintain his staff as volunteers who subsist on pocket money and live communally in a converted tuberculosis asylum in Keene, California, a tiny town in the foothills of the Tehachapi Mountains near Bakersfield. The union is regulated by a tough labor law. Concessions were made to Chavez and the UFW when it was framed, but the law is interpreted and enforced by “designated authorities,” and as a consequence, more and more of the farm workers’ battles are taking place within a legalistic framework. The union is being shaped by regulation it cannot avoid. Administrative forums are the new arenas of conflict.

Much of the UFW’s early success, especially in winning the support of liberals, stemmed from its role as a downtrodden David battling the corporate Goliaths of the farming industry. That changed as former UFW members found they could live with the Teamsters and as liberals lost interest in Chavez and the UFW. “We were — maybe in our hearts we still are — with Chavez. We were members of his union for two years, good years. Then the Teamsters came. We were on the picket lines last year, striking against the growers who got the Teamster contracts. But we signed the Teamster petition this year. It was printed in Spanish for a change. We work regular now.”<sup>2</sup>

Public support for Chavez and the UFW has subsided, too. A San Francisco woman, who once worked as a volunteer in Chavez’s boycott of the chain stores, was quoted in *The New York Times* as follows: “I was really a believer. My kids had never even tasted grapes, and for three years I used spinach to make salads. I still wish Chavez well, but I’m out of it now. Maybe Vietnam, the civil-rights thing, Watergate and all the rest of it wore me out. I worry more now about the price of a head of lettuce than the issue of who picked it.”<sup>3</sup>

Passage of the ALRA in 1975 helped Chavez and the UFW stage a comeback, but it forced the UFW to become more like a conventional labor union and political pressure group. The union’s most recent activities provide ample evidence of this. At the annual convention of the UFW in September 1983, Chavez told reporters that he had formed what he called a “Chicano lobby” to help Democratic candidates and that the union had ordered computerized direct-mail equipment to help spread a political message to members

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<sup>2</sup> Winthrop Griffiths, “Is Chavez Beaten?” *New York Times Magazine*, September 15, 1974, 22.

<sup>3</sup> *Ibid.*, 18–20.

and supporters. He also indicated that the union was interested in representing the needs of Hispanic Californians as well as its traditional constituency, California farm workers. At the convention, Chavez did give details of a previously announced effort to resume a consumer boycott, but the boycott was to be backed by “the use of computers and demographic studies to select people who are most likely to support a boycott.” Once the union had a list of such people, plans were to “attempt to change their buying habits by altering the image” of the union’s principal boycott target, the Lucky supermarket chain. Chavez called the union’s plan “the new consumerism” and pledged one-third of the UFW’s annual income of \$3.5 million to it.<sup>4</sup>

The press used to emphasize Chavez’s almost shy charisma and the Catholic-Latin spirituality associated with the movement. Increasingly news reports have focused on the kind of activities that many associate with established unions, such as occasional reports of violence during strikes, assertions by dissident members that their rights have been abused by the union leadership, and disclosures that the union’s lobbyists have become contributors to state legislators in Sacramento. In describing the union boycott of 1983, for example, the *San Francisco Chronicle* printed the following: “[T]he union has launched a new campaign that is being planned by one of the brightest political strategists in the state. Placards and marching are being put aside for the electronic tools of the corporate and political worlds — television advertising, census studies and carefully edited direct mail into selected households.”<sup>5</sup>

The union’s high technology campaign is a response to legalistic maneuvering on the part of its adversaries. In Sacramento, Governor George Deukmejian, a Republican who received large campaign contributions from farmers, sharply cut the budget of the Agricultural Labor Relations Board, which enforces the Agricultural Labor Relations Act. One result, farm union officials say, is a huge backlog of unresolved complaints against growers by workers. Board members serve four-year terms. Governor Deukmejian will not be able to appoint a majority until 1986, but soon after his inauguration in 1983 he appointed David Stirling, a conservative Republican friend, as its general counsel. The board’s general counsel is its chief staff officer. Stirling quickly moved to change the agency’s direction. He transferred staff

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<sup>4</sup> “UFW War on Lucky Stores,” *San Francisco Chronicle*, July 25, 1983, 1.

<sup>5</sup> *Ibid.*, 5.

members whom growers had criticized out of key positions and began seeking to reduce some of the cash penalties levied against growers. One board member, Jerome Waldie, asserted that Deukmejian was trying to dismantle the ALRB. "Agribusiness, Deukmejian's biggest contributor, has long had as its primary objective elimination of the board. He's trying to do the same thing that his tutor, President Reagan, did with the EPA, if he can't repeal a law, he'll enforce it at the minimum level, or maybe not enforce it at all."<sup>6</sup>

Farm workers are no longer outsiders. They have been admitted to the system, but they have been admitted under pressure. The earlier tactics of growers against farm workers — notably the use of undocumented temporary workers — continue. The UFW estimated that 35 percent of the farm laborers working in the Imperial Valley in 1979 were illegal aliens. No one disputes these figures. Other tactics — in particular, the mechanization of planting, cultivation, and harvesting — have been sharply stepped up since the UFW won its major victories. The farm workers' allies have fallen away, as admission to the system has complicated and interwoven the problems faced by farm labor. The intensified awareness, the canons of conscience, the opportunity for popular participation and support, all have receded.

Unionization, then, has borne bitter fruit for the farm workers. Their ideology and tactics are disarmed; having attorneys and administrative forums, their leader has no dramatic cause to place before the bar of popular conscience. The questions that formed the group out of urgent human need are now cast in legal terms, in courts, board hearings, and meetings. Adversaries press ahead with a mix of old tactics and new. The system to which the UFW has gained admission is a pressure system, with strong tendencies for power to be transferred upward. It is a system that offers farm workers protections they did not have before. It is a system that is overtly rule-based and nonviolent. Yet it is a system in which the powerful use the rules — and the weak.

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<sup>6</sup> Harry Bernstein, "State's Organized Labor Can Look Forward to Four Rough Years," *Los Angeles Times*, January 26, 1983, I-3; Robert Lindsey, "Pioneer Farm Labor Act Is Imperiled in California," *New York Times*, May 22, 1983, 24.

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