

Proposition 14 only a temporary setback

by Dick Meister

The battle over Proposition 14 is ended, but the war to unionize agriculture goes on. And the odds do not favor growers, despite their smashing 3 to 2 defeat of the proposition put before California voters in November by the United Farm Workers Union.

Listen to UFW President Cesar Chavez, speaking with the confidence learned from long, hard experience:

"In this movement . . . there may be temporary setbacks, but we never lose. The work on Proposition 14 was an investment . . . When things like this happen — and it's happened often — it brings us closer together. We've not lost brotherhood, we've not lost our unity . . . and there's more of us than them."

Chavez spoke out at a post-election gathering of 800 of the UFW members and supporters who worked more than four grueling months for Proposition 14. Their response — cheers, applause, foot-stamping agreement — was just one indication Chavez was not exaggerating.

There obviously are rough times ahead. Flushed with victory, growers will press the State Legislature hard to weaken the Agricultural Labor Relations Act that finally gave collective bargaining rights to California's farm workers last year.

Nor will organizing be easy, without the provisions of Proposition 14. They would have required continuous legislative funding for the act, guaranteed organizers access to those who live and work in isolation on many farms, subjected growers to treble damages for their repeated violations of the law and made it more difficult to decertify a union.

But the UFW has recovered from far more serious blows in the past — winning enactment of the law, for instance, after losing most of its contracts to the Teamsters Union. It retains the will, support and organization necessary to bounce back strongly again.

COMING BACK

Certainly the chances for a comeback seem much greater than were the chances for passage of Proposition 14.

Above all, the UFW faced the automatic "no" vote cast in such elections. It's usually 8 to 10 percent against any proposition, much higher — often high enough to defeat the measure — when it's presented as the cause of a

A general feeling of anti-unionism inspired by the activities of public employees also hurt, as UFW campaigners can tell you. "What the hell do you unions want now?" was a frequent response to pleas for votes.

The Teamsters didn't help either. That union was well aware of polls showing the public supported the UFW against growers generally by a margin of 2 to 1, but supported the UFW against the Teamsters by 10 to 1. So by endorsing Proposition 14 the Teamsters denied the UFW its most effective target.

The UFW was hurt, too, by the reluctance of some supporters to show the same enthusiasm they had before enactment of the farm labor law. Their ardor cooled now that the union was not embroiled in dramatic action in the fields and waging boycotts, but was in a position that required compromise and political partisanship, such as its support for Governor Brown, Senator Tunney and other Democrats pledged to protect the law from attack.

Nor did it help that the UFW's new standing subjected Chavez to charges, invariably made against labor leaders in such a position, that he was a "union boss" seeking personal power — in this case by pushing Proposition 14, frequently described as "Chavez' initiative."

The growers' legislative allies aided them considerably by voting to re-fund the farm labor act — dormant five months for lack of their votes — immediately after the initiative qualified for the ballot. For while the UFW correctly anticipated that the threat of the initiative would force its opponents to approve re-funding, the opponents correctly anticipated that their approval would raise a very strong argument against the initiative.

Even UFW supporters balked at the initiative as unnecessary. They felt, as the Los Angeles Times said, that since the act had been re-funded, it should be subject to review and amendment by the Legislature like any other operative statute, and not be "frozen into law by initiative."

McCARTHY'S ROLE

The same position was taken by key legislative supporters of the UFW, including Assembly Speaker Leo McCarthy. They were unwilling to lose control over any law. McCarthy also was concerned over the fate of Democratic can-

didates in rural areas, where there was strong opposition to Proposition 14.

The UFW, naturally reluctant to acknowledge any of the other factors in loss of the proposition, blamed it solely on the great success of the growers' \$1.6

million media campaign. It was aimed, of course, at convincing voters that the initiative was an assault on everyone's property rights, because of the provision that would have written into law the access rule adopted by the board which administers the act.

The rule, upheld by the State and Federal Supreme Courts, said organizers could have access to farm property only during three specified hours a day, strictly limited their number and restricted them to designated areas. The provision was aimed, further, at the large corporate growers who employ most farm workers and so are the chief targets of UFW organizers.

Yet campaign ads, paid for largely by corporate interests, featured "grass-roots farmers" strongly implying that organizers would be allowed to invade their homes, and that urban as well as rural residents — especially wives and daughters — would be threatened by dark-skinned "strangers" if Proposition 14 passed.

NOT ENOUGH

The UFW raised as much money as the grower forces through contributions from 440,000 individuals and put 2500 volunteers and organizers into the campaign. But that was not nearly enough to win what was distorted into a referendum on private property in which the UFW was pictured as a powerful special interest doing battle against defenseless small growers.

As a result of their victory, growers are moving against the farm labor act. They have started with demands, voiced by the California Farm Bureau Federation and others, that the farm labor board "severely restrict" its access rule for organizers.

So far, the board has not complied, although it has made these changes in the access rule since the election:

- Limiting the access of organizers to particular farms to four 30-day periods per year.
- Requiring organizers to notify growers in writing when seeking access.
- Restricting organizers to no more than 15 days of access after an election, even if they are challenging the conduct of the election.
- Barring organizers from areas in dairies, nurseries and poultry farms where there are sensitive plants and animals.

subjecting unions to being barred from a grower's holdings for "an appropriate period" for repeated violations of the rule.

UFW attorney Jerry Cohen attacked the changes as the "first major step toward gutting the farm labor law itself." Nevertheless, the changes should not in themselves have any serious effect on organizers.

Further, other changes grant organizers access to the grower buses that transport many farm workers, and — most importantly — require growers to list their employees for organizers, as Proposition 14 proposed. This is aimed at the growers' habit of trying to hide the identity and whereabouts of employees from organizers.

Cohen is worried, however, that the farm labor board will act on a proposal by Chairman Gerald Brown to exempt thousands of smaller growers from the access rule, and eventually may act as well on the continued grower demands for other severe restrictions.

GROWER BILLS

Grower allies in the Legislature have begun introducing bills that would force the board to act on the demands. They also have served notice that, when the board comes up for re-funding next year, they will again demand changes in the law in exchange for their votes, just as they did before the UFW initiative qualified for the ballot.

Leo McCarthy has pledged that he and the legislative majority he commands will block the attempts to weaken the law. Governor Brown has pledged similar support. But even they concede that will be difficult, given the determination, unity and, especially, the political muscle shown by growers in defeating Proposition 14.

The UFW will have to be deeply involved in the legislative fight. The union also will have to police the 54 contracts it has managed to negotiate, negotiate at more than 150 farms where it has won representation elections but not contracts, press hundreds of outstanding unfair labor practice charges against growers — and do a lot more organizing, as well as campaigning in hundreds of forthcoming elections.

Now, in short, the real struggle will begin — a far greater struggle than was waged over Proposition 14, but the kind of struggle the UFW has waged so successfully over the past 12 years.

"We're going back to strikes, boycotts and conflict," says Cesar Chavez. No question about that."

Wick Meister has co-authored a new book on the history of farm labor organizing, A Long Time Coming, which will be published in May by Macmillan.