

# PENTAGON FACES A SUIT ON GRAPES

Chavez and Union Will Seek  
Injunction Against Buying

By ROY REED

Special to The New York Times

WASHINGTON, June 26 — Cesar Chavez and his grape workers union are preparing a lawsuit to try to stop the Pentagon from buying table grapes from struck growers.

The union, the United Farm Workers Organizing Committee of the American Federation of Labor and Congress of Industrial Organizations, has accused the Pentagon of siding with the workers' opponents in a long, bitter grape strike.

The Defense Department has doubled its purchases of table grapes in the last three years. In that period, the strike came to a head and the union began to make its pressure felt.

David S. Averbuck of Delano, Calif., one of the union's lawyers, said today a suit would probably be filed soon in a Federal court in Washington, seeking an injunction to force the Pentagon to stop buying grapes until the labor dispute was settled.

## Pentagon 'Fact Sheet'

The Defense Department, in a recent "fact sheet" on the grape purchase, said its position was not to take sides on the merits of any labor dispute.

Referring to a consumers' boycott that has accompanied the grape strike, the department said:

"The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott. Grape purchases are made by the Defense Supply Agency in response to requisitions from the military services.

"These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability, nutritional requirements, variety and item availability, perishability and cost.

"In the interests of objective and systematic management, Menu planners (often working a year to 18 months in advance) should not be required to consider whether a labor dispute exists when making these decisions."

## Position Assailed

The Pentagon's position has been sharply attacked by Mr. Chavez, the director of the organizing committee, and other labor representatives.

"This is a blatant case of Government sources subsidizing scab grapes," said Mr. Chavez.

A spokesman for the A.F.L.-C.I.O. here said:

"Here is the Government killing one of the union's chief sources of battle, the boycott. It may not be their intention to have their finger in it, but they have their finger in it."

The Pentagon said it bought 7.5 million pounds of grapes for \$1.04-million in 1966, 8.3 million pounds for \$1.25-million in 1967, 6.9 million pounds for \$1.32-million in 1968 and 11 million pounds for \$1.98-million in the fiscal year 1969, which ends June 30.

The department said its total purchases represented less than 1 per cent of the nation's table grape production.

## Lawyer Is Doubtful

Mr. Averbuck said he doubted the accuracy of that figure. But more important than how much the department buys, he said, is where it buys. He said the Pentagon's buyers bought from growers who were under the greatest pressure from the union.

"As we hurt the grower," he said, "the grower cries, and they help him out."

The Pentagon said it had increased its shipments of grapes to Vietnam from 468,000 pounds in 1967 to 2.5 million pounds in 1969.

It attributed the increase to "the high troop acceptability of this seasonal item; the reduced availability of export quality fresh oranges, with a substitution of table grapes, and the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans."

The strike against California grapes began about four and a half years ago, and the boycott started about two years ago. Mr. Averbuck said the boycott had been so effective that the price of one type of grape had declined 40 per cent.

A committee of growers agreed earlier this month to sit down for the first time to discuss a settlement with Mr. Chavez and his union. The negotiations are under way.