

JUDGE BACKS 9 FARM UNION AIDES WHO WERE DISMISSED BY CHAVEZ

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Nine farm workers who brought a suit challenging the authority of Cesar Chavez, president of the United Farm Workers, to dismiss them from their paid positions as union representatives have won the first round in their legal effort to be reinstated.

Federal District Judge William A. Ingram has ruled that the eight men and one woman were elected to their positions by their fellow workers, not appointed by Mr. Chavez, and thus are not subject to summary dismissal.

"We are very, very happy," Aristeo Zamrano, one of the nine workers, said today, "We made this fight to protect our rights. It's not for ourselves. It's for every worker under the union contract."

The Salinas Valley workers were dismissed after dissent within the union became public at its convention in September 1981. Approximately 40 members walked out of the convention after candidates they backed for the union's executive board were defeated by a Chavez-backed slate.

A Charge of Retaliation

The nine workers charged that they had been dismissed in retaliation for their opposition to the union's leadership. Federal law guarantees union members the right to participate in union affairs free from improper disciplinary action.

Because a recent Supreme Court ruling affirmed the right of union leaders to dismiss their appointed staff, Judge Ingram ordered a trial on the limited issue of whether the position of union representative was an elected or appointed one. A trial was held before the judge in San Jose last month. He made his decision Tuesday and it was made public today.

Mr. Chavez, president of the United Farm Workers since its inception, testified that he never agreed to any change in policy that would relinquish his authority to appoint and remove the representatives. He said that the Salinas workers had been misled by certain union staff members into believing that they were directly electing the people who would be paid to handle union grievances and medical claims at the local ranch level.

However, Sister Ruth Shy, a member of the Sisters of Loretto, a Roman Catholic religious order, testified that she served as an intermediary between Mr. Chavez and the workers at the time of the elections. Sister Ruth, who served the union in various staff positions for nine years, said that Mr. Chavez had approved the "very explicit" change that called for the workers to elect their

representatives directly. She said she had personally prepared ballots and election packets and later reported the election results to Mr. Chavez.

Also called to testify was Marshall Ganz, who had worked for the union 16 years and had served on its board of directors. He had taken part in meetings with workers concerning the change. Sister Ruth and Mrs. Ganz left the union in 1980.

Judge Ingram said the evidence showed that Mr. Chavez approved of the concept of electing the representatives. "The Court does not mean to indicate that it finds Mr. Chavez personally to be an incredible witness, but only that the testimony of Shy and Ganz appears to the Court to more probably reflect the truth of what happened," he said.