

## Chuck Farnsworth 1969–1972

I arrived at the United Farmworkers' legal office in Delano in the summer of 1969, less than a year after becoming a lawyer, joining Jerry Cohen and David Averbuck as the union's legal team. Frank Denison and Bill Carder came in a few months later. We worked out of the Pink House kitchen and shed, facilities so cramped and shabby that some grower lawyers refused to meet with us there. But that winter, the Forty Acres union headquarters building west of town was finished, and we moved into partitioned warehouse-style offices where we could work better---and the grower lawyers had less to complain about.

Cesar's office was just down the hall, and the boycott office was at the other end. The union's strike and boycott against the table grape industry was entering its fifth year, and Cesar wanted the legal department to help farmworker organizing however possible. We found a lot of ways over the next two turbulent years.

As a rookie lawyer in Delano in 1969 I was asked first to tackle a controversial problem in the vineyards and fields: pesticide poisoning. Farmworkers were complaining of becoming sick at work, but there was little known about the causes. Pesticide information was hard to come by.

Responding in part to the public outcry raised by the publication of Rachel Carson's *Silent Spring*, manufacturers had been switching from pesticides like DDT, with their long-term toxicity to birds, to organophosphate sprays like parathion, which were more immediately toxic to farmworkers. A Fresno farmworker, with our help, won his claim in late 1969 that he had been poisoned by parathion exposure. It was the union's first pesticide victory.

But farmworkers often didn't know whether fields had been sprayed or what chemicals had been applied. Although growers were required to notify county agricultural commissioners before they sprayed, farmworkers were being denied access to the records. We sued on behalf of farmworkers in three counties, and a Riverside County judge agreed with us, ordering the commissioner in the fall of 1969 to open his books to interested farmworkers.

In the spring of 1970 we petitioned the Visalia superior court for an injunction against Elmco Vineyards, prohibiting it from sending farmworkers back into its fields less than 48 hours after spraying parathion. The Schenley Corporation, a union contract grower, submitted testimony in support of our petition and the court issued the order, probably the first time a California grower had been so restrained.

Several years later, in 1973, the pesticide scare spread to the public when federal and state inspectors discovered high levels of a newer pesticide, Monitor 4, on shipments of lettuce, and I represented farmworker consumers and others seeking to halt distribution. A San Francisco judge denied our petition, but by then Monitor 4 had been banned for use on lettuce and withdrawn from the market.

But our pesticide efforts in Delano had to be pushed aside in mid-1970. The relentless economic forces of the union's international table grape boycott were having their intended impact on the growers. The early harvest in the Coachella Valley was effectively struck and picketed, especially after Freedman Vineyards signed the union's first major contract there, providing alternative employment for union strikers.

I got the job of monitoring the picket lines—being there when the growers, goons, or cops came around. I shared a house trailer in Coachella with four or five organizers, typing my pleadings and briefs on the kitchen table “office.” Most days (mornings, really, 5 a.m. to 11 a.m., because of the heat) were long on tedium, short on action. But in the dawn's early light one day in May, somebody bumped a Riverside County sheriff's deputy with a picket sign, and Pancho Botello, a fiery organizer from Marysville, was charged with assault and battery. In my first criminal jury trial, I put on eight alibi witnesses that Pancho had been nowhere near the deputy and that an unknown striker with a gold earring was the culprit. The jurors seemed to half-believe us; they acquitted on the battery charge, but convicted Pancho of assault. The judge promptly sentenced Pancho to 30 days in the county jail. Before I could finish requesting a stay of the sentence pending appeal of what I considered an inconsistent verdict, Pancho pushed past me toward the bailiff saying, “Let's go,” and marched off to serve his sentence.

Picket lines at the vineyard roads in the pre-dawn light didn't recruit a lot of strikers or union members, however. The organizers needed access to the growers' labor camps to talk directly to migrant pickers. But access was what the growers feared, and they got injunctions shutting out the union. We appealed, and a San Bernardino appeals court ruled that the union organizers, like the Jehovah's Witnesses with their *Watchtower* newsletter, had a constitutional right to knock on the workers' doors—even those located in growers' camps. But by then the Coachella grape harvest was over and the strike moved north.

Pete Velasco, a Filipino grape worker and organizer in his 60s, managed the Coachella strike in 1970 with a certain reassuring serenity. Driving back to the strike office from the picket lines one hot May morning, he was hit by a tractor-trailer, but survived. When I saw him that afternoon at Indio Community Hospital, he began to labor in his breathing. Peggy McGivern, a nurse working for the union, came into Pete's room just then, saw his swollen neck, recognized that a lung had been punctured, and ran out demanding that a reluctant staff call for a surgeon. Help arrived and Pete was saved, later to become the union's treasurer.

In quieter moments of my first year with the union's legal office, I researched questionable activities of some grower-oriented public agencies, and we later filed lawsuits alleging various abuses. In one instance, an irrigation district was sued by two union members who claimed that publicly subsidized water was being distributed to growers beyond their 160-acre legal allotment. In another suit, the union itself charged that the California Table Grape Commission was funding anti-union efforts, rather than mere advertising. Both suits were later settled before trial.

By July of 1970 the entire California table grape industry had buckled under the force of the boycott and strikes and signed three-year labor contracts with the union. I had hardly read a copy of the standard contract, complete with annexes and related agreements, before the Delano legal department was sent on the road to combat a new problem: the Teamster union's sudden "sweetheart contracts" with various large vegetable and fruit growers all over the state. For the next year, I worked out of motels and my car.

In the Salinas and Santa Maria valleys, the union immediately struck against vegetable (mainly lettuce) growers who had signed these deals, which we considered abominable because almost no farmworkers had authorized the Teamsters to represent them. The growers claimed otherwise and promptly responded with lawsuits seeking to enjoin the union from interfering with their contractual rights with the Teamsters, claiming the picketing constituted a mere dispute with the Teamsters and violated the state's Jurisdictional Strike Act. In short, the growers were claiming that they were helpless victims amidst some titanic struggle between powerhouse labor unions. In fact, they feared the UFWOC's organizing and boycott abilities, recently proven in the grape vineyards, and were seeking a safe haven with the friendlier Teamsters.

Responding to the growers' request for a restraining order to halt the picketing in the Santa Maria Valley, I walked into superior court Judge Marion Smith's chambers one morning, laid a 2-foot-long card file of local UFWOC farmworkers (which organizer Paulino Pacheco had compiled over years of hard work), and challenged the grower and Teamster lawyers to show any authorizations whatsoever. They couldn't, not even after a full hearing, and Judge Smith later courageously denied the growers' request to bar the picketing as an illegal jurisdictional strike.

Disappointed, the growers sued the union again for the Santa Maria Valley strike, this time filing in adjacent San Luis Obispo County in the north end of the valley. In chambers with assigned Judge William Clark, my card file ploy failed and he issued a TRO. After noticing the autographed Governor Ronald Reagan photos and similar citations around the room, I got the case transferred to veteran Judge Richard Harris for the hearing on whether the TRO should be made into an ongoing injunction. This time I put Teamster business agent Bart Curto on the witness stand to get him to admit he had no farmworker authorizations. He was artfully dodging my questions and Judge Harris seemed to be losing interest in our claims when Pacheco charged into the courtroom with a scrap of paper and a large parade banner that read "Teamsters Support UFWOC Farmworker Organizing." Irritated, Curto conceded that he had written the note authorizing the banner a year ago for a Cinco de Mayo parade and that historically, the Teamsters had taken no interest in the Santa Maria Valley fields. Judge Harris smiled at this Perry Mason drama and later denied the growers' request to shut down the strike, just as Judge Smith had done. Outside the courthouse, Curto brushed past me, muttering "If Hoffa were still around, you guys would be in a box." I never knew whether he was kidding.

Cesar had always preached and demanded nonviolence in strikes and picketing and had generally gotten his way with striking farmworkers. It was sound legal advice and an effective tactic, in light of the powers arrayed against the union. But in the Santa Maria Valley of 1970, Cesar was not always obeyed, and events sometimes spun out of his control. Several strikers tried to jump a Teamster organizer and were charged with assault with a deadly weapon. Two were convicted and served short jail sentences; two were acquitted. A strikebreaker's car was busted up crossing an early-morning picket line in the Guadalupe-Oceano section of the valley, and three union picketers were charged with assault and malicious mischief. Knowing that the driver would have trouble identifying his assailants, I had 20 or so other farmworkers attend the trial, sitting with the defendants. The confused scab failed to pick out two defendants, but spotted the third, probably because it was Roberto Lima (not his real name), a well-known tough guy around town.

After two more run-ins with the Teamsters, Lima was indicted by a Santa Barbara County grand jury for attempting to kill a Teamster organizer with a .22 caliber rifle. I filed a motion to dismiss the indictment on the grounds that because the grand jury, handpicked by the judges, didn't reflect the valley's farmworker population, it hadn't considered the extenuating conditions that had provoked the assault. The presiding judge allowed me to question all seven superior court judges on their selection methods, and I got the predictable admission that they didn't know any farmworkers to select. But the court ruled in early 1971 that Lima wasn't constitutionally entitled to any such specific representation on the grand jury, and the case was set for trial.

Shifting tactics, I persuaded the judge that Lima was not a bad guy, but had been unduly provoked in the tumultuous strike atmosphere. The judge sent Lima to the state prison at Chino for a 90-day evaluation of our claim, and the psychiatrists reported in the spring of 1971 that Lima would not be a social problem now that the dust had settled. Lima was put on probation after serving a short sentence. Although the Teamsters were furious with the judge's enlightened approach, Lima rewarded his trust by never causing trouble for the community thereafter.

Far to the south, an Imperial County superior court judge overreacted in the summer of 1970 to growers' worries of picket line confrontations by banning any display whatsoever of the union's black eagle flag on the grounds that the red and black colors were politically incendiary. The next morning, I hand-delivered a petition for a writ of prohibition against the judge's order to a mildly amused court of appeal in San Diego. By noon the appeals court, citing UFWOC's constitutional rights to free speech, had summarily prohibited the judge from enforcing his order. The black eagle was back in action.

In late 1971 I left the fields for city life and started a general law practice in Oakland. But for years afterward, I took on union legal work when asked; one just couldn't turn down a UFW organizer's plea for help. In 1979 I had the satisfaction of winning a Kern County superior court judgment against some 20 grape growers who had reneged on their 1970 contract obligations to pay 2 cents per box of table grapes into a development fund. With the legal

interest over nearly 10 years, the award exceeded half a million dollars; which the union promptly put into housing for farmworkers in Fresno. It was a small victory in the long struggle for justice in the fields of California.