

## Bill Carder 1970–1974

### UFW Attorney

In early 1970, I quit my job as an NLRB attorney in Washington, D.C., and moved to Delano to work with the United Farmworkers Organizing Committee, AFL-CIO (UFWOC). At that time, I really didn't know much about the union. I had read several newspaper and magazine articles about Cesar Chavez and the grape boycott, and heard some stories from my law school friend Jerry Cohen, the UFWOC general counsel. But aside from supporting the grape boycott, and participating in one demonstration at the White House when Nixon publicized the fact that he would be serving California grapes to visiting French President Georges Pompidou, I had not been directly involved in UFWOC activities. I had no clear picture of the day-to-day work of building a new union, organizing a strike, or carrying out a national consumer boycott. All I really knew was that I wanted to be part of it.

During my first year working with the union, I learned more about more things—including myself—than at any other time in my life. Some of those things I didn't fully understand at the time. I was in survivor mode for much of 1970, caught up in the whirlwind of events that led to the Salinas general strike and preoccupied with getting my own legal work done without making some disastrous mistake. Although I was generally aware of what was going on around me, I didn't have much time to ask questions or reflect on what the organizers were doing or why they were doing it. It was only after years of involvement in other labor and community campaigns, some successful and some not, that I came to fully understand and appreciate the importance—and the difficulty—of what they had accomplished.

I spent my first few weeks in Delano going through case files, discussing legal issues with Jerry Cohen and the other UFWOC attorneys, Frank Denison and Chuck Farnsworth, and attending staff meetings at the Forty Acres and Friday night membership meetings at Filipino Hall. My first big legal assignment was defending the union against a \$75 million federal antitrust action by a group of Fresno grape growers claiming that the grape boycott was a massive “conspiracy in restraint of trade” (a bogus legal theory that would have been rejected anywhere else but was apparently good enough to satisfy U.S. District Judge M.D. Crocker in Fresno). In the spring of 1970, I went to Washington, D.C. and New York City for the depositions of officials of the AFL-CIO and several other unions who were accused of participating in the alleged “conspiracy” to keep grapes out of the nation's supermarkets. Listening to their testimony and spending a few days with Andy Imutan and the other New York boycotters, gave me a much better understanding of how the boycott worked and how much effort had gone into developing and maintaining the complex web of relationships necessary to make it successful.

In early April, the union signed its first table grape contracts with growers in the Coachella Valley, and the San Joaquin Valley growers were starting to fall. I got my first close-up look

at a real live grower when Jerry Cohen and I met with Hollis Roberts, a somewhat mysterious figure who had indicated that he was ready to sign a contract covering approximately 46,000 acres of grapes, tree fruits, and nuts. We drove to his corporate headquarters, a sprawling one-story building located in a field near Delano. Roberts, a huge, balding man with tinted glasses and a soft Oklahoma accent, sat behind a massive wooden desk in his large, darkened office. No one else appeared to be around, and the office, opulently decorated with red plush carpet, heavy drapes, dark wood paneling and a fully equipped bar, was strangely quiet. Roberts, a shrewd businessman, was friendly and surprisingly cooperative as we discussed proposed contract language, but seemed to be sizing us up the whole time. Jerry and I were able to contain ourselves during the meeting, but as we walked to the car we looked at each other and burst into laughter.

In May, UFWOC members went on strike against Peloian Packing Company and T. Apkarian and Sons, two medium-sized grape and tree fruit growers in Reedley, a small town in eastern Fresno County. Temporary restraining orders severely restricting the union's right to engage in peaceful picketing were issued by the Fresno County superior court, picketing strikers were arrested, and the union countered with lawsuits against the growers alleging unlawful use of deadly pesticides and other violations of California labor laws. I began getting up every morning at 4 a.m. to drive to Reedley so that I could be there when the picket lines went up at dawn. About two weeks into the strike, Peloian asked for a meeting with the union, and Dolores Huerta and I went to his office only to be told that he had been advised by his attorney not to talk to us. I was frustrated, but Dolores seemed to take it in stride. "Don't worry, we'll get them eventually," she said.

On July 24, just as the union was about to enter into critical negotiations with Giumarra and the other Delano growers, Cesar received a call from Salinas indicating that there were rumors that the Western conference of Teamsters was about to sign contracts with the major Salinas Valley growers. At an emergency meeting of the union's executive board, it was decided that Cesar would send a telegram to the Salinas Valley grower-shipper vegetable association protesting the Teamster agreements and schedule a press conference in Salinas later that day. Jacques Levy, who was writing a book about the union, offered to drive Cesar to Salinas, and Cesar asked me to come along to assess the legal situation.

On the drive to Salinas, there was some discussion of the reported Teamster raid, but not much. Cesar was quiet, obviously deep in thought. As we drove up Highway 101 toward Salinas, he looked at the workers in the fields and made occasional comments about the crops they were working and the difficulty of their work. Jacques Levy, obviously delighted to have a few uninterrupted hours to continue his ongoing discussions with Cesar, asked him questions about the work he had done in the fields as a kid. I sat in the back seat, listening to their conversation and wondering what was going to happen in Salinas.

From the minute we arrived in Salinas, Cesar was surrounded by crowds of excited farmworkers. Union supporters anxious to meet him and hear him speak had come from Soledad, Greenfield, Castroville, Watsonville, Gilroy, Hollister, and other surrounding

towns. It was as if they had been waiting patiently for Cesar to come to town so that they could get their organizing drive started. The press conference, in a large hall on Market Street in East Salinas, was jammed with farmworkers and local newspaper and television reporters. It began to dawn on me that something *big* was about to happen in Salinas. Like everyone else, I was excited at the prospect of a big victory in Delano, but I regretted that I hadn't come to work for the union sooner. I had a vague feeling that I had missed the real action. What unfolded in the next few weeks quickly disabused me of that notion.

When Cesar returned to Delano the next day for the final phase of the grape negotiations, I remained in Salinas to take witness statements and prepare a lawsuit against the major Salinas growers, who had announced to their employees that they were now covered by Teamster contracts and would be fired if they refused to sign cards obligating them to pay Teamster membership dues. The lawsuit, alleging that the growers had violated California Labor Code Section 923 by signing "backdoor" agreements with the Teamsters without the consent of a majority of their workers, was filed a few days later on behalf of a group of workers led by Interharvest lettuce cutters Fidel Rodriguez and Carlos Valencia.

The Union had set up temporary Salinas headquarters in a small storefront office on East Alisal Street rented by the Mexican American Political Association (MAPA). Marshall Ganz and the other organizers working out of the office were busy putting together a large rally in Watsonville on July 31 and a four-day farmworkers march on Salinas. More than 3000 marchers started out from Greenfield, Gilroy, Hollister, and Watsonville and converged in Salinas on Sunday, August 2, for a massive rally at Hartnell Junior College. I was preoccupied with my own legal work at the time, and it was not until years later that I came to appreciate how difficult it must have been to organize these events on short notice before the ink was even dry on the grape contracts signed in Delano on July 29. Within a few days, the whole union seemed to shift gears, from a major fight with the grape growers to what promised to be an even bigger fight with the Teamsters and the central California vegetable and strawberry growers.

The work that went into organizing the ranch committees at each of the Salinas area ranches was even more impressive. Every day, new groups of lettuce, tomato, broccoli, celery, artichoke, and strawberry workers from ranches all over Monterey, San Benito and Santa Cruz counties—many of which the organizers had never heard of—were arriving at the MAPA office and announcing that they wanted union representation. Crowds of excited people jammed the MAPA office and the small dirt parking lot behind it. The process of turning all this confusion into a functioning organization, and channeling the workers' energy and enthusiasm into effective action was overseen by Fred Ross, Sr.

I had heard and read stories about Fred and his critical role in the creation of the union, and I met him once or twice in Delano, but had never seen him work. Like most people, I had assumed that organizers moved people into action by giving fiery, inspirational speeches. Fred was a quiet man who seldom, if ever, gave speeches. He was patient, thorough, and disciplined, asking people questions, listening intently to their answers,

making suggestions, and sending them out to organize more people. I can remember him sitting on a wooden chair in the MAPA office with a clipboard, a group of new ranch committee members and young boycott volunteers sitting around him on the concrete floor, making notes and checking things off one of his endless lists as he received their reports. On the other side of the room, Marshall Ganz, who had been trained as an organizer by Fred and Cesar, was conducting a similar meeting. In the parking lot behind the office, other groups of workers stood waiting to give their reports and receive their assignments.

The first strike started on August 8, when workers at Freshpict, a large Salinas lettuce grower owned by Purex Corporation, walked off their jobs to protest the firing of workers who refused to sign Teamster cards. Within a matter of hours, the Monterey County superior court issued a temporary restraining order prohibiting the strike as a violation of the California Jurisdictional Strike Act. The union challenged the order and continued the strike, arguing that the Jurisdictional Strike Act provided no protection for an employer who signed a contract with a union not chosen by a majority of its employees (an argument later upheld by California's supreme court). Within the next few days, the striking Freshpict workers were followed by 2000 strawberry workers at Pic N' Pac, a subsidiary of S.S. Pierce Corporation, and several hundred lettuce workers at Oshita Packing, another large Salinas grower. UFWOC picket signs lined the highways and roads leading in and out of Salinas, cars full of strikers waving red and black UFWOC flags drove through the downtown streets, and pro-grower demonstrators appeared with catchy slogans like "Reds lettuce alone!" As the tension mounted, and the threat of violence grew, Cesar began a six-day fast.

Late on the night of August 11, I accompanied Jerry Cohen to a meeting with Western Conference of Teamsters organizing director Bill Grami. The meeting, at the Towne House Motel in Salinas, had been arranged by Monsignor George Higgins, a representative of the conference of Catholic bishops, and Higgins and Monsignor Roger Mahony were there to act as mediators. We negotiated throughout the night, with intermittent calls to Cesar, in an attempt to hammer out the terms of a UFWOC-Teamsters jurisdictional pact to settle the escalating dispute. Grami was cordial but evasive, sitting poker-faced as Jerry and the two priests tried to pin him down to a firm commitment. I had spent the day in court and was exhausted, trying to stay alert and focused so that I could take accurate notes on the discussion. Jerry, on the other hand, seemed to gain energy as the hours went by. Early in the morning, we went outside to take a break while Grami met privately with Higgins and Mahony. The sun was just coming up. As we walked around the empty parking lot behind the Towne House, Jerry was exhilarated, rapidly spinning off new ideas and strategies. Suddenly he stopped, broke into a grin and said "Carder! We've got the world's greatest job!" He was right.

On August 12, the two unions signed a jurisdictional pact in which the Teamsters agreed not to sign any new contracts covering field workers, and a confidential side letter, to be held by Monsignor Higgins, in which they promised to use their "best efforts" to persuade

the growers to rescind the existing contracts. UFWOC agreed in return to a six-day strike moratorium, subject to a four-day extension by Higgins if the Teamsters were making progress obtaining the rescissions. Within the next few days, Freshpict and Interharvest, a subsidiary of the United Fruit Company, opened discussions with UFWOC. But the other growers refused to give up their Teamster contracts, and it became increasingly clear that Grami was behind the scenes encouraging them to take that position. On August 24, thousands of Salinas and Santa Maria area farmworkers walked off their jobs in what was to be the largest agricultural strike in U.S. history.

As I look back 33 years later, the weeks following the start of the Salinas general strike have a fragmented, dreamlike quality. A few incidents stick in my mind, and some of the images are still quite vivid, but so many other things happened so quickly, and I had so little time to absorb them, that they are lost to me now. Picketing farmworkers and red-and-black strike flags were visible everywhere, from King City in the southern end of the Salinas Valley to Watsonville, 70 miles to the north. Uniformed security guards with shotguns and police dogs patrolled the fields, packing sheds, and lettuce coolers. The Monterey, San Benito, and Santa Cruz county superior courts issued dozens of restraining orders prohibiting the strike. Hundreds of striking farmworkers were arrested and charged with violating the orders, trespassing on grower property, or blocking trucks. They were bailed out or released on their own recognizance pending trial, and then rearrested when they promptly returned to the picket lines.

I raced up and down Highway 101, going from court to court, making motions for the release of arrested strikers and arguing unsuccessfully for orders vacating the anti-strike restraining orders on constitutional grounds. As I passed through Salinas, I stopped at the new UFWOC field office on Wood Street to collect copies of any new restraining orders served on the union, check with the organizers on any new arrests, and take sworn declarations from groups of strikers stating that the Teamster contracts were signed without their knowledge or consent. At night, I did research at the Monterey County law library or the Salinas office of California Rural Legal Assistance (CRLA), looking desperately for legal theories to fend off the injunctions and arrests. After grabbing a burrito, a beer, and a few hours sleep at the Downtowner Motel in Salinas, where I was staying with my wife, Joanne, and our eight-month-old daughter, Sara, I got up at dawn to head for the Wood Street strike headquarters and start over again. One day blurred into the next.

The violence mounted. Teamster thugs, imported from a local in Modesto, drove through the streets, displaying baseball bats and axe handles, and appeared on UFWOC picket lines to harass and intimidate strikers. On the second day of the strike, Jerry Cohen was hospitalized after being slugged in the head by a huge Teamster goon named Jimmy Plemmens. On the same day, a Gonzales grower named John Panziera was charged with assault after driving his tractor into a pickup truck full of strikers (fortunately, no one was hurt).

A few days later, a group of tough-looking sailors from the seafarers' international union hiring hall in San Francisco arrived in Salinas to provide additional security for the striking farmworkers. The sailors seemed to spend most of their time playing cards in an RV in the parking lot of the Downtowner Motel, but their presence alone took quite a bit of steam out of the Teamster thugs, who gave them a wide berth whenever they joined the UFWOC picket lines. Needless to say, those of us who were also staying at the Downtowner were happy to have them around.

As the strike continued into September, I appeared at what seemed to be an endless series of court hearings on grower motions to convert the temporary restraining orders into longer-term preliminary injunctions and hold the union and the strikers in contempt for defying the anti-strike orders. Some of the Salinas cases were heard by Judge Anthony Brazil, who seemed to have at least some sympathy for the union's position and at one point dismissed contempt charges against 86 strikers accused of violating one of the orders. But mostly we lost. Many of the other cases were assigned to Judge James Leach, a former grower attorney who projected an air of strict impartiality but ruled against the union on everything but the smallest procedural points, and Judge Stanley Lawson, a hard-liner best known for taking a loaded pistol with him to court, who ruled against us on everything. By the end of September, virtually every grower in the area with a Teamster contract had an injunction prohibiting UFWOC strike activity.

On the day most of the injunctions were issued, I drove directly from the Salinas courthouse to the Wood Street office to report the news. A rally was in progress in the parking lot, and Cesar was standing in the back of a truck with some of the strike leaders, addressing a large crowd of workers. I caught his eye, and he leaned down to hear what I had to say. Like everyone else, I had known very well what the ruling would be, but on my way to court that morning I had deluded myself into thinking that we might somehow manage to avoid the injunctions. The frustration and disappointment must have shown in my face. Cesar smiled. "That's O.K.," he said. "We'll just have to boycott them."

A national lettuce boycott was already in the works and quickly shifted into high gear. The initial target was Bud Antle, Inc., a large Salinas grower that had signed with the Teamsters several years before the others and was deeply in debt to the infamous Teamster Chicago pension fund. Unfortunately, Antle's lawsuit against the union was assigned to Judge Gordon Campbell, a petty tyrant who was widely disliked by members of the Salinas legal community (including, I was told, most of the other judges). On October 8, Campbell issued a broad injunction banning the Antle boycott, rejecting our argument that the boycott was constitutionally protected free speech. He also refused to stay his order pending the union's appeal in the absence of a \$2.75 million bond.

The Union announced immediately that the Antle boycott would continue. I got a clear signal that we were headed for a confrontation with Judge Campbell a couple of days later, when he summoned me to his chambers. Infuriated, he confronted me with a newspaper

article in which I had characterized his order banning the boycott as “blatantly unconstitutional” and threatened to hold me in contempt if I made such statements again.

On November 24, Antle obtained an order from Campbell requiring the union to appear on December 4 and show cause why it should not be held in contempt for violating the injunction. On December 3, Campbell denied our motion for a jury trial. He also denied our motion to disqualify him from hearing the contempt charges, ordering that my declaration accusing him of bias against the union be struck from the record on the ground that it was “too vague.” The next day, the contempt hearing proceeded as scheduled. Judge Campbell’s courtroom was jammed. Outside the Salinas courthouse, hundred of union supporters gathered with signs and red-and-black flags. There were reporters and television crews everywhere.

After listening silently to the legal arguments, a grim-faced Judge Campbell fined the union for violating his injunction and ordered that Cesar be held indefinitely in the Monterey County Jail until the boycott was called off. He brushed aside Antle attorney Dick Maltzman’s plea that the jail sentence be postponed to give the parties a chance to talk. Cesar, who had been sitting quietly between Jerry Cohen and me, listening to the hearing, turned to the crowd as the deputies led him away and said, “Boycott the hell out of them!” Maltzman, a suave, well-dressed lawyer who was a little slow on the uptake politically, had by this time figured out that putting Cesar in jail was a disastrous mistake that would hurt his client far more than the union. He gave me a sick smile and shrugged his shoulders, as if to say, “What could I do?” He stalked off angrily when I reminded him that he had been playing with fire.

A few days later, after an unsuccessful attempt to persuade the district court of appeals in San Francisco to set aside Campbell’s order, we filed a petition for review with the California supreme court. Meanwhile, UFWOC volunteers across the country were capitalizing on the publicity generated by Cesar’s jailing to build support for the Antle boycott. Prominent national figures spoke out against Judge Campbell’s ruling, and Ethel Kennedy attracted national media attention when she came to Salinas to visit Cesar in jail. Local newspaper editorials criticized Campbell and the Antle attorneys for playing into the union’s hands.

I went to see Cesar in jail each day to update him on the legal situation and relay messages. I was amazed at the number of people who wanted to communicate with him, some reporting critical information, some seeking advice on strategic questions, and some just wanting to let him know they were still out there doing their work and thinking about him.

Within a few days, Cesar had quietly organized the jail, forming relationships with the deputies, who seemed honored to have him there and anxious to let the world know they were treating him well, and the other prisoners, who sensed instinctively that he was on their side. Cesar showed me a handwritten note he had received from one of the prisoners, an older white man who asked for his help in getting a new battery for his hearing aid. I

went out to buy the battery and brought it back to Cesar to give to him. I still have the note.

These daily jailhouse visits gave me a rare opportunity to spend time alone with Cesar, whom I had never really gotten to know that well. He asked me to get him some books, and we talked about them. He was rereading Lewis Fisher's *The Life of Mahatma Gandhi* and said that it had greatly influenced his thinking about his work. Cesar was also enthusiastic about *Fan Shen*, a long, detailed book on the Chinese Revolution. "They don't just tell you that there was a meeting in a village and a decision was made," he said. "They tell you how the meeting was organized and who the organizers talked to before the meeting to line up support for the decision."

During a break in one of the court hearings in Salinas, one of the Antle attorneys came up to me to complain bitterly that his wife and children had been upset when a small group of local UFWOC supporters had picketed his home in Marin County. I thought this was a strange thing for a man who had just put my client in jail to say, and I related the story to Cesar. His face darkened. "Tell him my kids are upset, too," he said.

As the days went by without a ruling from the state supreme court, Marshall Ganz and the other organizers began to ask me questions like, "You can get him out eventually, can't you?" I thought our First Amendment free speech argument was pretty strong, and the California supreme court had a liberal reputation, but I began to worry, waking up in the middle of the night wondering what the hell we were going to do if the court turned us down. Joanne and I had planned to drive to Los Angeles on December 24 to spend the holiday with my parents, but it looked increasingly as if we would be staying in Salinas. At least we wouldn't miss the big Christmas Eve tamale feast Marshall was planning at the Wood Street hall.

On the afternoon of December 23, the Supreme Court clerk's office called to tell me that the court had issued a writ staying Judge Campbell's order and freeing Cesar pending a full hearing on the constitutional issues in early February of 1971. I spent the next few hours obtaining a copy of the writ and serving it on the sheriff's office, and later that night Cesar emerged from the jail to find a large crowd of cheering farmworkers waiting for him. In my office, I have a photograph of him on the jailhouse steps. He looks tired and a little worried, probably concerned about the threat of violence from the crowd of cursing Teamster counter-demonstrators across the street. I am standing behind him, looking equally tired and worried, clutching a copy of the supreme court writ and hoping that I won't wake up to find that I have been dreaming and Cesar is still in jail.