

David Grabill 1972–1973

I had worked for legal aid programs since graduating from law school in 1967. In 1972, I took a long trip to Europe and Africa and returned to L.A. broke and unemployed. I heard about a group that was looking for a lawyer to assist with efforts to get justice for farmworkers, so I sent off a resume. A few days later, they called me to come in for an interview. A friend and former law partner in Venice, Sandy Nathan, was also interested in the job.

The interview was with LeRoy Chatfield, Jerry Cohen, and Chris Hartmire. They said the job involved working with the Interfaith Committee to Aid the Farmworkers and assisting with the boycott of Safeway to get it to agree to stock lettuce and grapes from growers who had signed contracts with the UFW. I said it sounded interesting, but they should hire Sandy because he was even more broke than I. A couple days later, LeRoy called and said they wanted both of us and we should start as soon as possible.

The boycott was an amazing operation, stretching over most of the U.S. and into Canada and even Europe. The message was the same everywhere: don't buy table grapes or head lettuce unless the box carried the UFW logo. And don't shop at Safeway, the world's largest supermarket chain, until it agrees to sell lettuce and grapes picked by workers under a UFW contract. Safeway at that time had stores throughout the western United States, in the Washington, D.C. area, and in parts of Canada and England. UFW volunteers leafleted and talked to customers about the boycott in Safeway stores in all these areas, but the boycott was strongest in the L.A. area. There, dozens of full-time volunteers—mostly college students—leafleted parking lots all over the region day in and day out. Housing for the students was provided by churches. Food was provided by the Interfaith Committee. They lived on next to nothing.

The boycott office was a big room with a few tables and chairs scattered around in a seedy building on Olympic Boulevard near downtown L.A. Sandy and I each picked a corner and shared a typewriter. This was not an office you'd see on *L.A. Law*. LeRoy and Chris showed us some cookies wrapped in clear cellophane that had been purchased at a Safeway store the day before. The package was crawling with bugs—moths and moth larvae. They peppered us with questions: "Is it legal for Safeway to sell this stuff? What can we do about it? How soon can we be in court? What kind of evidence do we need?"

We quickly put together a lawsuit alleging that Safeway was selling bakery goods that were contaminated with insects in violation of California consumer protection laws. The case got a fair amount of press in the L.A. area. Safeway claimed the lawsuit exaggerated the problem, but immediately pulled a bunch of bakery products off their shelves. Other lawsuits followed, attacking Safeway for various unlawful business practices. One case challenged Safeway's practice of mislabeling cuts of meat and selling them for a higher price (e.g., round steak selling for \$1.50 per pound sold as filet mignon for \$3 per pound). Sandy and I learned quickly to tell the difference between porterhouse and T-bone steaks

and between rib and loin pork chops. We had good help: Ken Doyle and Hub Segur, Avelina and Bob Coriell, Ellen Eggers, Sandy Cate, and others whose names escape me—all boycott workers who checked the meat counters of Safeways around the city during their leafleting and boycott activities. Safeway really couldn't deny the thrust of the lawsuits because we had goods in the freezer: dozens of cookie packages with bugs, dozens of mislabeled meat cuts, frozen chicken that tested positive for salmonella.

Safeway tried a counter punch: they sued the UFW to seek an injunction against picketing and leafleting in their parking lots. That got them more bad press. Sandy and I were able to stall the case for several months, and eventually the judge said as long as boycott people didn't block doors or entrances to parking lots, they had a constitutional right to ask people to boycott Safeway. More bad press for the company.

In the midst of the Safeway boycott efforts, there was an unexpected development: a government testing agency detected residues of an experimental pesticide called "Monitor 2" on a truckload of head lettuce coming out of the Imperial Valley. Cesar condemned the growers for exposing workers and consumers to this highly toxic new pesticide. Consumer advocate Ida Honoroff, who had a weekly radio show on Pacifica Radio (KPFK and KPFA), also spoke out forcefully about the dangers of eating vegetables contaminated with Monitor. Additional contaminated lettuce turned up in other cities. Cesar and Ida got on a train and went across the country holding press conferences at each stop about the dangers of Monitor pesticide on lettuce. LeRoy mobilized the boycott volunteers to spread the word. He also asked Sandy and me if we could do a lawsuit. "What do we ask for?" we wanted to know. "Can't we ask for an injunction to stop stores from selling contaminated lettuce?" he replied.

"But we don't know which stores, if any, are selling the contaminated lettuce," we said.

"Well, then, let's sue them all," he said.

Chuck Farnsworth, a young lawyer in Oakland who had worked for a time with the UFW, agreed to help file the suit in San Francisco. LeRoy got a list of all the supermarket chains in California that had five or more stores (there were more than 100), and we typed up the lawsuit. A few days later, Chuck and I called the corporate offices of all 100-plus chains and told them we were going to court the next morning in San Francisco to seek a temporary restraining order against selling any iceberg lettuce until the stores could verify that their stock had no pesticide contamination.

As that day progressed, we were besieged by calls from angry lawyers representing the various chains threatening us with all sorts of retribution—disbarment, fines, and even criminal prosecution if we filed the case. "See you in court," was our standard reply.

The next day in court was an amazing scene. Dozens of lawyers in fancy suits showed up from all over the state representing the chains. Farnsworth, Sandy, and I represented the

Interfaith Committee and some individuals. To no one's surprise, the judge turned down our request for an immediate injunction, saying state officials could order lettuce off the shelves if there was an immediate threat to the public from the contamination. But he denied the chains' request to throw the lawsuit out and said we could come back and renew the request for an injunction if state officials weren't doing their job.

The hearing got lots of press and TV coverage. The UFW and its allies were mostly portrayed as on the side of consumers and against the pesticide companies, the big growers, and big supermarket chains. We counted it as a victory. As a result of Cesar's cross-country press conferences, the lawsuit, and leafleting efforts in the parking lots, the wholesale price of iceberg lettuce took a big dive. Stores were almost giving it away.

The growers freaked out. We thought we had won. What we didn't know at this point was that the growers now started meeting secretly with the Teamsters union—meetings that culminated in almost all the growers signing “sweetheart” contracts with the Teamsters a few months later. These sweetheart contracts were signed in secret, behind the farmworkers' back. The Teamsters made a lot of money in the form of union dues that workers were now being charged. The growers could now say they had union contracts. The strategy made it difficult or impossible to continue the Safeway boycott. They could now say that all their lettuce was now from union growers. Soon thereafter, Sandy Nathan went on to work with the union legal department at La Paz. I went back east to work with disabled coal miners in West Virginia.

The story, of course, doesn't end there. The union survived and became even stronger as a result of the passage of the Agricultural Labor Relations Act, which was one of the landmark achievements of Jerry Brown when he was governor. And that calls to mind another story. In late 1973 and early 1974, several Democrats, including Jerry Brown and George Moscone, the mayor of San Francisco, were seeking the party's nomination to run for governor in the November 1974 election. LeRoy and Chris told Sandy and me that they wanted us to sit in on an important meeting in the spring of 1974. LeRoy explained that George Moscone was asking for an endorsement from the UFW, and the meeting was to ask Moscone to endorse the boycott.

Moscone came to the Olympic Boulevard office. His aides waited outside. LeRoy pulled the curtains and four or five of us sat down in folding chairs facing Moscone. LeRoy explained what the boycott was doing and said that justice for farmworkers was one of the key issues for voters in the upcoming primary. LeRoy told Moscone that by endorsing the boycott and the union's efforts to get justice for farmworkers, Moscone could help ensure that he would get the nomination. Moscone looked a little apprehensive but said he'd talk to his campaign staff about whether that was possible. LeRoy said he understood and the meeting concluded. We didn't hear back from Moscone.

I asked LeRoy after the meeting if he thought Moscone had any chance of winning the

nomination whether or not he supported the boycott. He said, “No way ... it’s already decided that the next governor of California will be Jerry Brown. You know, don’t you, that Jerry Brown’s a former priest.” So was LeRoy. Jerry Brown was elected governor in 1974 and was instrumental in getting the legislature to pass the state’s Agricultural Labor Relations Act. That act allowed workers to vote on which union would represent them; the UFW has won the overwhelming majority of elections held under that act.

I’d only planned to work with the boycott for three months. I ended up staying almost a year and later worked for many years with California Rural Legal Assistance in Santa Rosa, helping farmworkers in northern California. Looking back, the time with the boycott and the people I worked with were some of the best ever. As Margaret Mead wrote, “Never underestimate the power of a few committed people to change the world. Indeed, it is the only thing that ever has.” Cesar, LeRoy, Chris, and the people involved in the UFW and the boycott have indeed changed the world. It was a privilege and a pleasure to have helped in that work.