

Barry Winograd 1973–1977

My first morning with the union began about 6 a.m. in July of 1973 in Livingston. I was a volunteer lawyer. I had taken vacation time from the Berkeley Rent Control Board to help friends who were fighting Gallo's attempt to evict farmworkers from company housing. At that hour, I was sleeping on the floor in the living room of a small grower who was sympathetic to the union. I was roused from my sleep by Aggie Rose, a woman I later came to know as a great union organizer. Her foot was gently prodding my body. Actually, maybe not so gently. Aggie said, "Time to get up; we have lots of things to do." She said something else in Spanish, or Portuguese, or maybe both languages, since she used both all the time. In minutes, we were on the road, heading out on a country road through a sea of grapevines to one of the camps. The sun already was drying the dew from the leaves.

Once there, I met another lead organizer at Gallo, Bobby De La Cruz, also energetic and warmhearted, who was raised in a family of longtime union activists. I spoke with residents in the camp, looked at legal papers, huddled with other attorneys, and helped to plot strategy. The legal staff worked all day and into the night. The evictions were stopped, at least temporarily, by invoking procedural technicalities at a hearing with a justice of the peace. Several dozen farmworker tenants were looking on, giving us support and making us feel strong. The judge could not have helped noticing. Afterwards, we planned other legal actions. We also celebrated in the courtyard of the camp. Cold beer never tasted so good. I didn't get to sleep until midnight. But the sleep was great because the day was great.

The next morning, I was off at dawn to assist other UFW lawyers who were trying to stop several injunctions in Fresno. Hundreds of UFW pickets were ringing the courthouse in 100 degree heat, with picket signs held high, flags waving, and chants of "Huelga" bouncing off the building's walls. The judge wasn't moved, and the injunctions were granted.

Late in the morning, a call came in that Franzia Winery would be seeking an injunction that afternoon in Stockton. I was a new extra body and was told to go. Presto, a one-day volunteer now was on the staff. My car's air conditioning didn't work. As I drove north, the afternoon heat could be seen rising in waves from Highway 99. Even with the windows down and the furnace-like heat blasting into the car, I almost feel asleep at the wheel. I managed to get to court around 4 p.m. Remarkably, the judge denied the grower's request for an injunction. Being so green at this, my advocacy had nothing to do with the denial. The judge was formerly a member of the ACLU and thought the injunction request was unjustified under the free speech principles of the First Amendment. That spring and summer, courts in California issued more than 70 injunctions against strikers and denied only a handful.

At Franzia a few weeks later in August, a busload of strikebreakers was driven into the field as the harvest began. UFW pickets left the roadway and entered the field to talk to them. I suppose this was a type of educational trespass. Perhaps not purely legal, but not entirely

unexpected under the circumstances. Some men who were identified later as Teamster organizers surrounded the strikebreakers. As the strikers approached those in the field, the Teamsters shot pistols at their feet. This was like one of those old western films, but not at all amusing. Several pieces of equipment were broken and windows smashed in the ruckus that followed. We were back in court the next day because the grower said our strikers got out of hand. We had our own complaints, too. Antonio Chavez, a courageous striker with five children, took the witness stand. He admitted going into the field, but he also described the horror of the shooting that took place. The judge was moved by the testimony. He issued an injunction barring strikers from entering the fields but also prohibited the possession of weapons during the harvest.

I stayed mostly in the Stockton area for the rest of the summer. I came to know many of the workers at Franzia and the UFW organizers, two of whom were Maria Elena and Ruben Serna. They also were from a family born and bred in the union. In this period, a strike began in tomato fields near the Franzia operation, adding hundreds more to the picket lines each day. The tomato growers quickly raised the price they paid for a bucket of tomatoes by adding a nickel. However, that only fueled the strike as word spread to others about what the walkout accomplished. The tension on the picket lines, which were huge in size, was dramatic. The police and sheriffs' deputies were edgy and almost always seemed to be carrying shotguns. But the picket lines held. That summer, strikers were killed elsewhere in California. Fortunately, no one was killed in Stockton.