

Bill Monning 1973–1978

The Klein Ranch Strike French Camp, 1977

(The events reported in this account are true. Some specific factual data may be in error due to the erosion of memory over time and lack of access to documentation taken at the time of the events reported. Any factual inaccuracies are the responsibility but not the intent of the author.)

It is hot in the San Joaquin Delta during the summer months. In the summer of 1977, asparagus workers at the Klein Ranch went out on strike. The strike was well timed, as asparagus must be harvested during a short window. If not cut, the asparagus shoots will bolt and can grow inches in hours, making the crop unfit for harvest and consumption.

The UFW office in the Stockton area was based in an old wood frame house in French Camp. The house was headquarters for Mack Lyons, UFW executive board member, union organizer Ruben Serna, migrant minister Ed Green, and some of the striking workers from Klein Ranch.

The Delta country was also headquarters for the “Posse Comitatus,” a vigilante group committed to ridding the Delta of UFW organizers and sympathizers. Posse members drove pickup trucks with gun racks mounted in the cabs and with windows adorned with American and Confederate flag decals. One of the posse members was Ernest Perry, a labor contractor who, in an earlier confrontation, attacked Jim Drake, a member of the California Migrant Ministry and organizer for the union. In that attack, Jim sought to take access to a farm under the new access provisions of the Agricultural Labor Relations Act (ALRA). An enraged Perry confronted Jim at the edge of a ranch and grabbed Jim’s handlebar mustache. Perry extracted a big clump of whiskers before knocking Jim to the ground. But that’s another story and another lawsuit.

The same Ernest Perry appeared at an assembly hearing in Sacramento toting a shotgun and a copy of the U.S. Constitution. Perry’s point, before being disarmed by capitol police, was that the access provisions of the ALRA deprived landowners of their property rights.

Such was the climate in the San Joaquin Delta in the summer of 1977. The Delta was hot. The fields of tomatoes, asparagus, onions, corn, alfalfa, and other crops sit below the water line of the canals and are protected by a labyrinth of dikes that crisscross the fields and islands that make up the Delta. The UFW organizing campaign in the Stockton area was linked to the statewide efforts to mobilize workers and elections under the ALRA. In some areas, workers took the lead and initiated walkouts and strikes in response to the growers’ refusal to bargain in good faith after election victories resulting in ALRB certification of the UFW as the recognized bargaining unit of the workforce.

I was working in the UFW legal department, based in Salinas. I was a recently licensed attorney who had worked with the union as a volunteer organizer and legal worker beginning in the summer of 1973. The summer of 1973 marked the grape strike following the Teamsters union raid on UFW contracts and the resulting sweetheart deals between Teamsters and growers in the Coachella and San Joaquin valleys. I continued working with the union as a law student, passed the bar exam in the summer of 1976, and headed straight to Salinas to be a union lawyer. The job involved frequent travel to union hot spots, regardless of caseload. UFW general counsel Jerry Cohen and Sandy Nathan assigned lawyers and paralegals in response to calls from Cesar and the executive board for legal support from the Mexican border to Northern California.

I remember the call to come down the hall to Jerry's office in Salinas. The UFW legal department had moved from La Paz to Salinas in 1974. The offices were on the second floor of the old Glikbarg Building. The building had been built at the turn of the century and offered the least expensive office space in downtown Salinas. It was conveniently located in the heart of Old Town, across from the Greyhound bus depot on Gabilan Street. The UFW legal department used Greyhound as our primary delivery service. This was before the days of Fed Ex and other express delivery services.

I knew that a summons to Jerry and Sandy's office usually meant a new assignment or project. The dark wood doors and runners set off the faded and dirty stucco in the old building. Jerry leaned over his desk with a conspiratorial twinkle in his eyes—the look of a prankster who thoroughly enjoyed the battle royal between the farmworkers and California agribusiness. Jerry Cohen was the chief architect and one of the key lobbying forces behind the Agricultural Labor Relations Act (ALRA).

“Monning, how's it hanging?” Cohen jumped the conversation forward without waiting for a reply. “We've got an important project for you.” Cohen looked to the lanky Sandy Nathan, bespectacled and mustachioed, with Kleenex in hand in a never-ending battle with allergies. Sandy nodded in acquiescence.

Cohen continued, “Monning, we need you to get your ass out to French Camp, by Stockton, to help Mack Lyons. Seems they got a strike going on out there. Some kind of a wildcat of asparagus workers. Problem is, they got two organizers in jail and the sheriff's impounded the union's cars. Cesar wants the cars released and then the organizers. You got that. You got to get the cars back for the other organizers, then get the jailed organizers out.”

I had my pad of paper and was trying to get more information out of Cohen and Nathan before being pushed out of the office and onto the highway. I made a futile attempt to resist the assignment, due to a burgeoning caseload. I was engaged in discovery fights on a number of civil suits brought by the union against Teamsters, growers, and labor contractors around the state. “Forget them,” argued Cohen. “Cesar wants you in Stockton.

Call him if you have questions about our caseload.” Sandy Nathan seemed to be amused by this retort, as Jerry’s infectious laugh served as a signal that the meeting was over. “Good luck, man. Give ’em hell and watch your ass.” Jerry had a style that made you feel like part of the conspiracy, even though you knew full well that you were being deployed as a soldier in the battle for justice in the fields.

I headed out of Cohen and Nathan’s office, past the office of Tom Dalzell, a friend and contemporary who passed the bar as a legal apprentice to Jerry Cohen. He didn’t spend a day in law school except when he was studying for the bar exam with me in the USF law library. I checked in with Tom. What did he know about Stockton and the Klein Ranch? “Oh, they say it’s like the Deep South out there, better watch your ass.” Maybe he overheard Jerry’s final warning, or maybe he had just apprenticed well. His law school classroom had been UFW picket lines throughout the state.

I loaded my VW bug with boxes of file folders, some California Code books, and a handful of legal tablets that some volunteer had expropriated from a grower law firm for use by union lawyers. Just about all our supplies were donated by well-meaning supporters who managed to secure large volumes of paper, pens, typing paper, etc. I also loaded my portable Smith-Corona electric typewriter that had been my sidearm as a union legal worker and got me through law school and the bar exam. I grabbed some criminal law motions and orders for bail reduction, own-recognition bail release applications, and crafted some attorney representation forms to prove my representation of the incarcerated organizers.

I drove from Salinas toward Stockton. I stopped in San Juan Bautista, home of the historic Mission San Juan Bautista and *El Teatro Campesino*. Here I stopped at the Paradis Bakery and grabbed a cup of fresh black coffee for the road, one or two of their homemade glazed blueberry doughnuts, and a still hot loaf of sourdough bread. I left a note for my future wife, Dana Kent, a union paralegal from New York via Radcliffe, at her apartment above Ponce’s Restaurant, and headed north toward Stockton, about three hours north and east of Salinas. As soon as I descended from the Pacheco Pass into the San Joaquin Valley, the temperature jumped at least 20 degrees. It was summer and it was hot.

When I found the French Camp exit off of Interstate 5, I followed directions past the county hospital, past the county jail, where I would soon become a regular visitor, and past a state-run migrant labor camp, open only seasonally to coincide with the growers’ need for field workers. The asphalt on the rural roads seemed to be melting in the heat. The tar oozed and mirages of gas vapor wafted into the air.

I found the union house down a dirt driveway just off one of the Delta’s two-lane highways. The dirt driveway dropped down from the highway, and the rather dilapidated two-story house enjoyed the cover of a broad canopy of a grand old willow tree and another line of willow trees separating the house from an elevated canal.

I was greeted by Kurt, a legal worker who had been working with Mack Lyons. Mack was an immigrant from the union campaigns at Sunharvest orange groves in Florida. The union had won a contract with Coca-Cola, the former owner of Sunharvest orange operations. Mack had risen to leadership in the UFW. The only African American on the UFW executive board, he had an unflappable demeanor and brought a sense of calm to the often frenetic style of union leaders and staff.

When I arrived, Kurt reported that Mack was out fishing for catfish from the Delta levies. There was nothing to do until the cars were freed from the impound yard and the two organizers liberated from the county jail. Kurt offered a brief overview and orientation. Some young Klein Ranch strikers sat in the back of the house talking. The picket line was finished for the day. Scabs had been brought to the Klein ranch in an effort to harvest the bolting asparagus.

I learned that some of the workers had moved on to find other jobs. The wildcat action was the work of militant migrant workers who had come to the union office in Stockton looking for support. Ruben Serna, the head of the Stockton office, responded to the workers and coordinated with Mack Lyons to develop a strike strategy.

The first days of the picket line had resulted in a standoff. The migrant workers massed on the narrow highway. The Posse Comitatus had mobilized a throng of pickup trucks and gun-toting growers who joined the Klein Ranch owners to stake out their claim to the land at the base of the dirt access road. A private security agency, C-COMM, was also on site with mock police cars complete with flashing light racks and an emblem designed to approximate a sheriff's insignia on the car doors. I learned that the posse trucks and C-COMM cars had followed striker vehicles from the picket line and forcibly headed union cars off the road. This vigilante conduct endangered the strikers and precipitated the events that led to the arrest of Ruben Serna and Ed Green and the impoundment of two vehicles.

My first contacts were with the sheriff's department and the vehicle impound division. I was told that the cars were being held as evidence in alleged felony crimes. Apparently, when the organizers' cars were run off the road, the vigilantes and C-COMM swore out complaints alleging that the union organizers had tried to run THEM off the road! I lodged my protest and said I would be back. The organizers had been charged with felony assault and battery, assault with a deadly weapon (the cars), and resisting arrest.

I went to the county jail where I was ignored and then asked to wait by a desk sergeant who took more than an hour to process me into the attorney visiting room. I met Ruben and Ed and obtained statements about how they had been victimized by the vigilantes and C-COMM's private security force. With felony criminal charges lodged against them, both men had high bails set. There was very little money left in the Klein Ranch strike fund and no ready capital to post bond. I contacted the Salinas legal department, provided an update, and was told once again to get the cars out. I was also provided with the name of a potentially sympathetic judge who might sign an order to release the cars and the

organizers on their own recognizance. It was a weekend. The courts were closed. Ruben's wife and Kurt did some research and obtained a home address for the judge. Next stop, the judge's home.

We pulled up to the judge's home in a nice suburb with lots of trees. We walked across a big front lawn, sprinklers clicking around on the neighbor's lawn. It was early on a Sunday morning, but it was already hot. We rang at the bell and listened to the gongs "bing-bong" on the other side of the closed door. We rechecked our watches. Maybe we were too early on a Sunday. The judge opened the door and was wearing his robes—but not the judicial ones. He checked us over. I made a quick introduction, mentioning Jerry Cohen, Cesar Chavez, and Governor Brown as well. The judge, whose name I do not remember, listened to my description of the arrests, charges, incarceration, and bails. I remember him asking, "So, what do you think I can do on a Sunday morning?"

I responded, "I just happen to have an order prepared that would serve to release the two prisoners from captivity based on their own recognizance. They both have roots here in this area or this state. They are organizers. They're not going to go anywhere. These charges should be dropped. They were framed. We just need you to sign the order and let the process unfold. And, by the way, I have also prepared an order for the release of the impounded cars. The sheriffs have had ample time to photograph them and there is no reason to hold the cars at this time, other than to thwart the union's organizing efforts and our First Amendment rights." The judge looked me over, probably questioning whether I actually held a bar license or not. There was a long moment of silence. I pushed the draft orders toward him with a pen, and held his Sunday paper under the legal papers to provide a backing for his signature. He studied the documents, took the pen from me, and signed them. Yeah! We had the cars and the prisoners.

A legal victory had been won, not in the rural courts but on the doorstep of a liberal jurist. The political power of the union exercised through a judicial appointment by the governor the union helped to elect. How many times had farmworkers been on the short end of the stick in rural courts where the judges were related to the growers and represented the local power structure? We had gotten lucky. Now to get the prisoners and cars out of custody.

We spent the better part of Sunday trying to get the prisoners and cars out. We got the prisoners first. The jail had staff every day. The desk sergeant, with his wide gut, bald head, and standard jail-issue mustache did not like me or the union I represented. He exercised his power as long as possible. We had to wait until Sunday visitors left the jail before they would process Ruben and Ed's release. We finally got them. We would have to wait until Monday for the cars. There was no one who could accept the judge's order at the impound yard without a release of evidence form that had to be signed by the sheriff.

I called Salinas with news of our success. I was chastised for not getting the cars out first. "Fuck 'em," I thought. We had performed a minor miracle in less than 48 hours. We would get the damn cars on Monday.

We went back to the union house in French Camp. It was Sunday afternoon and hot. It was about 5 in the afternoon. The sun was starting to move down the west side of the sky so that the tree branches were casting longer shadows. San Joaquin County sheriffs' vehicles were circling on the road above the house, apparently maintaining regular surveillance of the union household. The front yard was shade-covered. A campfire burned with a barbecue grill propped on rocks. Mack Lyons tended to some fresh catfish that was simmering on the grill. Fresh, homemade tortillas delivered by strike supporters were spread around the circumference of the grill. Limes and lemons were cut in sections on a plate. Large avocados were cut in halves and piled on a paper plate. An ice chest full of cold beers and sodas served as a seat when not being opened and closed.

We circled under the trees. Ruben and his wife were reunited. Ed Green told stories of their treatment in the jail, and they both told of the original incident on the highway in front of the Klein Ranch. A group of about six or seven striking workers joined the circle. They had spent their paltry strike benefit checks on groceries and cold beers. No one had much. Strike benefits had been pooled for the common good.

As we sat under the shade of the giant willow tree, we kept our distance from the fire pit. It was too hot. We rolled tacos with catfish and avocados drenched with lemon and salsa. We popped open cold cans of Coors beer bought by the strikers. (I resolved to educate them about the Coors boycott but determined to wait so as not to appear unappreciative of their generosity.) That first swig of cold beer cut deep and tasted good, even if it was a Coors. The tacos tasted great, too. We hadn't eaten all day. The shade from the giant willow tree must have brought the temperature down about 10 degrees.

As we relaxed in the shade of the giant willow tree, the quest to secure the release of the impounded cars and the next day's confrontation with the vigilantes on the picket line seemed a long way off. A sheriff's car sat at the top of the driveway. A burly sheriff who appeared to be wearing a heavy flak jacket leered down at the party. We sat in the comfort of the shade with the cold beers. The sheriff sat boiling in his car, the windows down, the air conditioner perhaps out of service. Who had the power that Sunday afternoon in front of a dilapidated, rundown house in French Camp?

The Pixley Jail

An Insider's View:

Taking Access in Tulare County – 1975

(The incidents reported in this account are true. Some specific factual details may be in error due to the effects of time, faded memory, or lack of access to original documents. Any such errors are the responsibility but not the intent of the author.)

During the summer of 1975, the UFW launched its first organizing campaigns under the recently enacted Agricultural Labor Relations Act (ALRA). As a summer law student volunteer, I worked with the UFW legal department in Delano. As part of the summer organizing drive, Ben Maddock directed organizing staff from Forty Acres, the union's organizing headquarters outside of Delano.

Our days started early and ended late. Friday night general meetings were the highlight of the summer and often featured Cesar Chavez before, during, and after his 1000-mile march for justice. The meetings were interpreted from Spanish to English to Tagalog to Arabic. The Union created a multiracial, multilingual, and multicultural organizing machine. There were only two enemies, and they were both external: the growers and the Teamsters.

I remember the warm summer nights and the smell of the Central Valley complete with the mixture of odors from the dairies, pesticides, and sweat of the workers. We often adjourned from the Friday night meetings to the People's Bar, where our volunteer stipends were stretched to buy a few beers and a few games of pool. Workers from the UFW clinic, the Martin Luther King, Jr. Service Center, and the Agbayani Village formed a community of diversity and power.

As part of the implementation process of the ALRA, the union exercised its right to have organizers take access on grower properties during work breaks and lunch breaks to talk with workers about the benefits of union representation. Many of the growers in the San Joaquin Valley resisted the union's efforts to take access and called upon Kern and Tulare County sheriffs to make arrests for trespassing.

As a legal worker, I was often assigned to accompany union organizers to various ranches where we were trying to get authorization cards signed and elections triggered.

Because of the high number of arrests and the attendant cost of bail and related costs, Cesar and the union executive board decreed that organizers were to avoid arrest during one week in August of 1975. Appeals had been filed with local courts, the police, and the state ALRB complaining of the illegal arrests of union organizers.

It was with this backdrop that I accompanied union organizers Ramon Garza and Andres Mares to the fields of the Zaninovich Ranch in Tulare County for the purpose of obtaining union authorization cards. I was to serve as a legal observer and carried some recent ALRB directives confirming our right to take field access.

We arrived at the ranch a little before noon and entered the long dirt road that separated two blocks of table grapes. Workers were harvesting the grapes, clipping, boxing, and packing in the field. Transistor radios blared *corridos* in the midday heat. We pulled off the side of the dirt access road. Ramon and Andres, young student organizers, leaped into action, approaching workers as they broke for lunch and huddled under the shade of the

draped grapevines. Ramon was short and stocky with a thick ponytail of braided hair falling down his back. Andres was tall and lanky with thick black-frame glasses and shoulder-length hair. We all wore blue jeans, work shirts, and boots—the unofficial uniform of union organizers. Our shirts were weighted with union buttons and badges identifying us as UFW organizers.

A pickup truck sped down the access road straight toward me. I held onto my clipboard with confidence. The law supported our right to take access. The law was on our side.

A large man with aviator sunglasses jumped out of the truck and rushed toward me. He stuck his face in mine and demanded to know who I was. I responded in kind and with the law on my side demanded to know his name. He informed me that he was Mr. Zaninovich, the owner of the field. I explained that we were present to take access during the workers' lunch break and would leave, according to the legal dictates of the ALRA, as soon as the lunch break was over.

Mr. Zaninovich turned several shades of red as he yelled at me to get the organizers out of his field. "You are trespassing, I order you to leave the field. I am calling the sheriff's department."

I remembered the order delivered by Ben Maddock. "No one is to be arrested. Cesar wants no one to be arrested this week."

I contemplated leaving the fields to avoid arrest, then decided to negotiate with Mr. Zaninovich. "We believe we have a right to take access. Let's see what the sheriff says when he arrives. If they say we have to leave, we will leave, but we contend that the access provisions give us the right to take access."

Zaninovich contemplated the offer. I thought we had struck an agreement. By the time the sheriff's department arrived, the lunch break would be over and Ramon and Andres would have the remaining cards needed to trigger an election. We would have taken access, secured the cards, and avoided arrest.

As the workers began placing their large plastic lunch baskets and thermoses into their cars, Tulare County sheriff's department cruisers entered the field from either end. The cars approached the grower and me. On one car, a uniformed deputy sat on the hood while operating a large video camera to capture the scenes of UFW organizers in the field.

I stood my ground, confident that we would either be vindicated by the law as the sheriffs recognized our right to take access, or we would agree to leave the field for the time being with authorization cards in hand and avoiding arrest.

Ramon and Andres kept talking with the workers. Sheriff's deputies jumped out of their cars and approached us. As I prepared to hand over my copy of the ALRB order on access,

Mr. Zaninovich yelled, "I want them arrested! They are trespassing on my land without my permission. Arrest them!"

I intervened. "Wait a minute. We had an agreement to let the sheriff determine whether the access order will be honored in this field."

"I want them arrested," Zaninovich yelled as he implored the sheriffs to take action.

Before I knew it, I had been slammed against the side of one of the sheriff's cruisers. My clipboard was stripped from my hands. My hands were jerked behind me as my head was pressed against the roof and window of the cruiser. I saw sheriffs chasing Ramon and Andres down one of the rows of grapes. Before long they were both brought handcuffed to the sheriff's vehicle and we were all three placed in the small back seat compartment, separated by a wire cage from the driver's seat. The door was closed on us and we were left in the car with no air conditioning and not so much as a crack in the windows. The deputies continued filming outside the car. They took a statement from the grower. They seemed to talk for at least a half an hour as we sweltered in the back seat. We were now handcuffed together, back to back, and were squirming to find some comfortable position in the back of the car. One of the organizers began to panic fearing the loss of oxygen in the sealed and sweltering car. The temperature in the field was at least 100 degrees, the temperature in the back of the police car had to be 120 degrees or hotter. We were drenched in sweat. We tried to minimize our movements to preserve the remaining oxygen in the car.

Finally, a deputy climbed into the car, started the engine and released a blast of air from the air conditioning unit that began to cool as the car sped out of the field. We continued to struggle as we remained handcuffed behind our backs, but the dropping air temperature and circulation of new air provided some reassurance that we would not suffocate in the back of a Tulare County sheriff's car.

We were driven to the Pixley jail. Pixley is where cotton strikers were shot and killed in the 1929 cotton strike. We were taken into the jail and booked on charges of trespass and resisting arrest. My Volkswagen bug with UFW bumper stickers was towed from the field to an unknown detention center.

As we were being booked, Andres Mares made some comment in response to the booking sergeant's question. The sergeant grabbed Andres by the shirt and pulled him rapidly toward him. Andres' glasses flew off his ears and nose and landed on the floor. The booking officer backed up and stepped on the glasses, crushing them. His only remark was "Oops." This was to be our welcome to the infamous Pixley jail.

As we were processed, they took our mug shots and fingerprints. Then we were thrown into a large holding cell with four bunk beds with lumpy old mattresses. We were all tired. The jail was cool. We talked about how we weren't supposed to be arrested, then fell

asleep. Apparently, our arrest was not met with enthusiasm by Ben Maddock or others in the union. Securing our release was apparently not going to be a priority, since we had violated Ben and Cesar's edict.

Andres and Ramon asked the jailers for matches to light cigarettes. Despite the contempt displayed by the sheriffs, they were willing to accommodate the organizers' nicotine addiction. Once two or three books of matches had been secured, Ramon and Andres set about burning the image of a union eagle into the ceiling of the old jail. They stood on top of the bunks as I acted as lookout through the slot in the door to the cell. I have often wondered how long the *aguila negra* lasted on the ceiling of the Pixley jail.

We were bailed out about six or seven hours after our arrests. Not too long a time, given the circumstances of our arrest and our violation of union dictates for the day. My car was another story. It cost \$50 to get the car out of impound—\$50 that was not forthcoming from the union treasury. I raised the funds from other law students and contributions from Andres and Ramon.

As an epilogue to the Tulare county arrests, the union sued the counties of Kern and Tulare for the illegal arrests. Barry Winograd represented the union in securing a settlement for the illegal arrests, based on allegations of false arrest and false imprisonment. The ALRB access order had been upheld by the California Supreme Court and the counties were found in violation of the access provisions. The cases were settled for about \$1000 per arrest in a settlement that involved more than 50 arrests that summer. We all signed over our settlement checks to the union treasury, as our arrests took place in the line of duty and in the heat of the battle to secure victories for the UFW during the first days of the ALRB.

It would take me another year and the settlement of an assault and battery civil case brought by Fred Ross, Jr. against the Gallo Wine Company to "recover" my \$50 for the vehicle impound fee. A deduction from Fred's settlement with Gallo was acceptable to Cesar and the union. Despite the arrests, the union organizing campaign of 1975 was like "water running down hill." The union could not be stopped. The insult of the Teamsters' raid on UFW contracts in 1973 was slowly but thoroughly vindicated with each election victory and the ultimate withdrawal by the Teamsters from farmworker organizing with settlement of the *Chavez v. Fitzsimmons* class action, antitrust litigation.