

Jeff Sweetland 1975–1978

How I Helped Cesar and the Farmworkers Save Their Union on \$5 a Week

How did I become involved with the United Farm Workers? In May of 1975 I was living in Long Beach. I was seven years out of college, including two years in the navy and a desultory year and a half of grad school. I had been working almost two years as an assistant manager in a Woolworth store, but one morning I decided I was done with that, so I didn't show up for work. The next day, finding myself with plenty of free time, I happened upon a flyer that read, "Come and help Cesar Chavez and the farmworkers save their union for \$5 a week plus room and board." Given that my own prospects appeared fairly dim at that particular moment, it sounded pretty good. I called the number on the flyer and was told to come down to 1434 Olympic Boulevard for an interview. So I put on my interview clothes—clean shirt, suit, and tie—and sallied forth to seek new horizons.

When I walked into boycott central, I could tell immediately that business attire was not *de rigueur* in this job. I subsequently learned that no one could remember the last time anyone else had presented for it wearing a tie. Nevertheless, though I remember very little of the interview, I was accepted. I think my chief qualification was that I had my own car, a Volkswagen bug I'd had for about five years that was due for some major work. (I also learned later that no one expected me to last more than a couple of months.)

I was assigned to work on the boycott in Long Beach for the run-up to the elections that were to begin three months later under California's new Agricultural Labor Relations Act (ALRA). The other Long Beach organizers that summer were Olivia Nieto, Marilyn Taylor, and John Nethercutt. Olivia was a longtime fixture in the Long Beach Hispanic community. She found room in her house for Marilyn and me, while her mother took John in. (Sadly, both Olivia and her mom passed away within the last year.)

Our coordinator was George Sheridan, who also oversaw organizers in Torrance, San Pedro, and Wilmington. Because Wilmington, in the Los Angeles harbor district, was centrally located, we had our morning staff meetings there. We met at a seafarers' hotel operated by the Masters, Mates and Pilots Union.

My own organizing results over the next few months were, to put them in their best light, underwhelming. My first house meeting was to be at the home of a Congregationalist minister, who had announced it in his church bulletin. I thought this was a great coup and proudly told George about it. He did not share my enthusiasm. Instead, he said it could get out of hand and he should probably accompany me. Sure enough, one of the minister's congregants had a different opinion about the UFW and made a point to bring a friend of his to the meeting. We started the meeting by going around the room introducing ourselves. (I had at least learned that much.) When the friend's turn came, he announced that he was the district sales manager for Gallo wines, one of the boycott's principal targets. That was not a good sign. I gamely recited the house meeting spiel and then retired

from the fray. The rest of the evening was crossfire between George and the man from Gallo—not part of the Fred Ross formula for a successful house meeting. When it was over, the minister was quite pleased with himself for providing his guests a unique opportunity to “hear both sides of a complicated issue,” and I was in the doghouse.

Still, the boycott summer of 1975 was a remarkably heady season. After all, it was the last chance for wide-open secondary boycotting of stores selling the noxious products—grapes, head lettuce, and Gallo wines—before the ALRA took effect on August 28. Once that happened, many boycotters were sent to field offices to assist with the explosion of election campaigns among farmworkers all over the state. Of our number, Olivia went to Coachella, while Karen de Mott, a Long Beach supporter who had just come onto the staff, went to Hemet and later San Ysidro. Meanwhile, Marilyn returned to civilian life, taking a “real job,” and John returned to his studies at Earlham College.

In October, I asked if I could transfer to the union’s legal department. I sent a resumé, in which I was quite full of myself, off to Jerry Cohen. Cesar, Jerry, and L.A. boycott director Ken Fujimoto evidently decided that I should have the chance to make myself useful, so my request was approved. With the Imperial Valley campaign just getting under way, Jerry told me to report to Tom Dalzell at the Calexico field office the Monday after Thanksgiving.

When the day arrived, I drove east from San Diego, over the mountains and down into the Valley. Once I cleared the mountains, the land was flat, dry, and empty as far as the eye could see. The sky was cloudless, except for a plume of smoke far ahead of me. It was from a field of burning stubble that I passed half an hour later. As I drove across this desolate expanse, the only station I could get on my radio was “XEB: Radio RAMA!” from Mexicali. That was probably just as well, since at the time I did not speak a word of Spanish, and I figured any little bit would help.

I arrived at the field office in midafternoon and was introduced to my new comrades. In addition to Tom, the campaign’s “legal workers” were Doug Adair, Carol Schoenbrunn, Lupe Quintero, John (whose last name I have forgotten), and Garret McTernan. That evening I was shown to my new home—an abandoned motel in El Centro, where many of the organizing staff would be housed for the upcoming campaign. My roommate was José Luna, who was as proficient in English as I was in Spanish.

This would be my faithful old VW’s last great service to me. During six months on the boycott, I had treated it shamefully. When I arrived in Calexico, it was already on its last legs. Several weeks later, it threw a rod between El Centro and Calexico. I would be without wheels for most of the next three years.

Others who were more closely involved in the organizing effort that winter can speak with much more authority than I about the campaign—the *gran fiesta* in Calexico that kicked it off, the string of election victories that solidified the UFW’s position in the vegetable

industry and routed the Teamsters, the monumental effort and ultimate triumph at Bruce Church, and, finally, the bitter news that the California legislature would not authorize the additional funds necessary to keep the financially exhausted Agricultural Labor Relations Board (ALRB) in operation beyond February 1976.

For Margaret Murphy, my wife of 24 years, and me, the Calexico campaign has special significance because it was there that we first met. Margaret was in Calexico periodically that winter on farmworker health group business. When she was not in Calexico, she was in Coachella setting up a new farmworker clinic.

Margaret and I first met at dinner at Doug Adair's apartment in Calexico, shortly after Christmas of 1975. A few nights later, the staff celebrated New Year's Eve across the border, at the *Confederación de Trabajadores Mexicanos* (CTM) union hall in Mexicali. It was there that Margaret and I had our "some enchanted evening across a crowded room" experience. Over the next couple of months, we got together whenever she came to Calexico.

That winter, Jerry Cohen reorganized the union's legal department. The changes were to take effect after the Imperial Valley campaign. He divided the department into three teams: ALRB, litigation, and appeals. Sandy Nathan and Tom Dalzell headed up the ALRB team. At first Barry Winograd was in charge of litigation. When Barry left about a year later, George Lazar took over as litigation coordinator.

The litigation team was to have offices in Salinas and Los Angeles, responsible for the prosecution of two federal lawsuits that the union had already filed against the Teamsters and their grower allies. The Salinas group, headed by John Rice-Trujillo, was litigating an antitrust suit against the Teamsters and the lettuce growers based on the sweetheart contracts they had signed in 1970.

I was assigned to the new Los Angeles office. "L.A. Legal," as we called it, was set up to handle a separate civil rights class action against the Teamsters and the grape growers of the Coachella Valley. The suit alleged that, by signing sweetheart contracts in April of 1973 after the UFW's original contracts expired and then collaborating to break the ensuing grape strike, the growers and Teamsters had conspired to deprive a class of 10,000 grape workers of their civil rights. Dan Lavery, an attorney at the Los Angeles American Civil Liberties Union, filed the civil rights suit for the union in 1974. For the first year or two, it was handled by a single ACLU attorney, first Dan and then Bill Steiner. However, by early 1976, it had reached the stage where the union's own attorneys and legal staff needed to be more directly involved.

L.A. Legal was in operation from March of 1976 through August of 1978. The staff consisted of attorneys Jim Rutkowski, Mike McCrory and Henry Giler, with me as the staff legal worker. Doug Adair and Carol Schoenbrunn also helped get the office set up in 1976

before they went up to Salinas to rejoin the “ALRB team.” Dave Daniels was our second staff legal worker during 1977.

Jim and Mike came to Los Angeles from Phoenix, Arizona, where they had been litigating the UFW’s constitutional challenge to the 1972 Arizona Farm Labor Law. Henry, who was then well into his 60s, had been a member of the Abraham Lincoln Brigade in the Spanish Civil War (for which he and his colleagues earned the sobriquet “premature anti-fascists” in their FBI files). He had also been a navy steamfitter during World War II and a union sheet-metal worker in civilian life, before he became a lawyer in 1972.

L.A. Legal’s first task was to “produce” the union records about Coachella to the growers’ and Teamsters’ attorneys as part of pre-trial “discovery.” They had asked for everything they could think of that would pass a “laugh test” with the judge for relevance, however slight or remote (such as “any photographs taken by Cesar Chavez” on UFW picket lines). The “production” was scheduled to take place at La Paz, where most of the records were kept. So Doug, Carol, and I were dispatched from Calexico to La Paz to get the records ready.

For the actual production to the opposing attorneys, we were given the La Paz dining room, which in those days was largely unused. It was also unheated. The evening before the attorneys’ arrival, La Paz had an inch or two of snow. It was still cold in the mountains the next morning when the attorneys drove up from their offices in Los Angeles, Riverside, and Palm Springs, dressed in their polyester leisure suits. They were greeted by the compound’s security guards, who directed them to leave their cars in the parking lot by the front gate. The guards then escorted them to the dining room.

As cold as it was outside, it was even colder in the dining room. The only source of heat was the kitchen stove, which was occasionally turned on to warm a pot of coffee. The lawyers took several hours conducting their discovery, taking turns to go outside to warm up. The security guards remained with them the entire time.

Whether or not they got the documents they were looking for, the attorneys were livid about the arrangements. As soon as they got back to the comforts of their well-appointed offices, they fired off howls of protest to the judge, demanding that the union be slapped with severe sanctions for the shabby treatment they had received in La Paz. Not only had they been made to endure the cold confines of the dining room, but, they said, during the entire time they had been watched over by “large, unkempt individuals.”

When the matter came on for hearing, Judge Kelleher listened to the arguments, said he thought everyone was trying to do their best to comply with the discovery requirements, and urged both sides to be more cooperative with each other.

In any event, the next order of business was to find office space in Los Angeles. There was no extra room at the Farm Worker Ministry and boycott offices on Olympic Boulevard,

and the ACLU made it clear that it could only provide a single attorney's office. As it turned out, People's College of Law, which faced onto MacArthur Park, had some empty basement space. People's College was an alternative law school for working people, minorities, and activists. As a member of the National Lawyers Guild, Henry Giler had connections with the college and asked if we could rent the basement.

Before they would let us use it, the college's governing board (which, as I recall, was composed entirely of students) had a small matter they needed us to clear up. In their view, the UFW had broken faith with all the oppressed peoples of the world in 1974 when it had briefly pursued a program of reporting undocumented farmworkers to the Immigration and Naturalization Service (INS). Consequently, Henry and I had to appear before them to assure them that the union had realized the error of that ill-starred venture, had repudiated it, and now welcomed undocumented workers into its embrace. Satisfied, they agreed to let us rent their basement.

It was just that: a basement, with a door that opened onto a back alley. (An episode of *The Blue Knight*, a TV cop show starring George Kennedy, was filmed in that alley.) With the help of John Gibson, a carpenter who had helped in the Calexico campaign, Carol, Doug, and I put up new walls and converted the basement into a serviceable office. With her own carpentry skills, especially in wallboarding, Carol was in every sense our lead worker on the project.

L.A. Legal was now in business. For the next two years, Jim, Mike, Henry, and I worked up the civil rights case. By the time we finished in the spring of 1978, our office probably had the most complete record of the Coachella strike anywhere in the union. We kept all our files and did all our grunt work in that basement office. Jim had an office at the ACLU, where we did most of our legal research. The ACLU also provided us with a secretary, Cathy Anderson, who was also a law student at People's College. As far as I know, she is still practicing law in the Los Angeles area.

During those two years, Mike and I shared an apartment near the corner of Western and Wilshire, in the section of Los Angeles that is now Koreatown. The union paid my half of the rent. Mike paid his half out of the \$600 a month he got as an attorney from the union. Jim and his family rented a house about a mile away. I received my \$5 a week mad money and \$10 for food, which put me considerably below the next person above me on the pay scale, either in the basement or at the ACLU office. However, when the weekly volunteer stipend was increased to \$10 a week in 1977, I was the only person in either office who could boast a 100 percent raise at one time.

In our lawsuit, we sued not only the growers and the Teamsters Union (both the International Brotherhood (IBT) and the Western Conference). We also named all the Teamster goons who had provided "security" for the growers during the strike, as individual defendants. These included Mike Falco, who had famously rearranged Father John Bank's nose at the Trocadero Café in Indio during the strike.

However, only a few of the goons had been served with process when the suit was first filed in 1974. The court ordered us to serve the rest of them by November of 1976 or they would be dismissed from the suit. So one day in October, George Lazar told me to get summonses and copies of the complaint and serve all of them. They all lived in the greater Los Angeles area, and with diligent effort I could get all of them in a single day.

This was not an assignment that I accepted with enthusiasm, lacking, as I did, any inclination to replicate John Bank's experience. Jerry Cohen was in Los Angeles at the time on the Proposition 14 campaign, so I called him to ask if I could have both a car and some muscle to accompany me. The answer was "no," in fact a quite irritated no. It was up to me to figure out how I was going to do it.

So I recruited Ellen Pierce, a law student working in our office at the time. Ellen was a petite mother of teenage children. She also had a car. We drove all over town delivering the summonses without incident, saving Mike Falco for last. When we arrived at his house, his mother answered the door. She said he wasn't home, but she was glad to accept the papers and would certainly give them to him when he returned. That was good enough for us, so we gave them to her and we all wished each other a nice day. Thus was the mighty Falco brought before the bar of justice.

Henry Giler left the union to return to his private practice in early 1977. He died in 1987 following a battle with cancer. He was a good man.

Part of pre-trial discovery is taking the sworn testimony, or "depositions," of your opponents and their witnesses. Ben Margolis, a long-time Los Angeles labor lawyer who had defended the Hollywood Ten in the late 1940s, conducted all of our depositions at no charge. The last one, in the summer of 1977, was of Frank Fitzsimmons, the Teamsters' international president. Fitzsimmons was accompanied by the lawyers who had been representing the Teamsters throughout the litigation. All of us from L.A. Legal were in attendance. On \$5 or \$10 a week, you take advantage of free entertainment anywhere you can find it.

Shortly after the deposition began, it quickly became apparent that Fitzsimmons's strategy was to occupy the high ground. The occasion was a question about an article that quoted Monsignor George Higgins, the "labor priest" who had helped bring the UFW and the grape growers together for their first industry-wide contracts in 1970. He had tried to reconcile them again in 1973, but without success. Ben, who was Jewish, asked Fitzsimmons if he had read the article about "Mr. Higgins." This was the opening Fitzsimmons had been looking for, as well as his chance to show off his superior breeding. He glowered at Ben and said, "That's Monsignor Higgins, not Mr. Higgins. You should always show respect for the monsignors." Point for Fitzsimmons. I guess.

Later in the deposition, Ben asked Fitzsimmons about another newspaper article published during the Coachella strike. This one quoted Fitzsimmons repeating a standard Teamster canard about Cesar. The gist of the story was that Cesar lived in a villa in Baja California (in La Paz, perhaps?); that he rode around in a chauffeur-driven limousine; and that, whenever he saw workers in a field, he would have his driver pull the limousine up behind a bush. There he would change into a set of work clothes, go out and greet the workers. The story ended with Cesar getting back into the limousine and returning to Baja after he shook a few hands.

Ben asked Fitzsimmons if he had said those things. Fitzsimmons said yes, he had. Ben then asked him how he knew them to be true. Fitzsimmons said he had heard the stories about Cesar from his “sources.” Ben asked who those sources were. Fitzsimmons refused to tell. When Ben pressed him further, Fitzsimmons replied, “Listen, the FBI doesn’t have to say who their sources are, and journalists don’t have to say who their sources are. I’m the president of the largest labor union in the world, and I don’t have to say who my sources are, either.” He then turned to the two Teamster lawyers who accompanied him and said something like, “Ain’t that right, boys?” They both nodded vigorously in agreement. Still, they had to worry about Judge Kelleher’s likely reaction to their client’s invocation of this hitherto unknown “largest labor union president’s privilege.”

Fitzsimmons saved them the trouble. A few minutes later, he volunteered that he never believed that story about Cesar anyway. Ben asked him why he told it to the newspaper if he didn’t believe it. Fitzsimmons harrumphed that it’s a free country where a man can say whatever he wants to say. And so it went.

In the fall of 1977 Jim and Mike filed the union’s motion asking Judge Kelleher to certify that the civil rights case could continue as a class action. This was crucial to the union’s success. If the motion was granted and the case certified, the defendants would potentially be liable to 10,000 or so grape workers for individual monetary damages. If certification were denied, they would only be liable to the union and three farmworkers who had been named as individual plaintiffs.

Under the federal court rules, written notice had to be provided to as many class members as possible before the court could certify a class action. The notice had to tell them what the case was all about, warn them that they would all be bound by the judgment if they stayed in as class members and offer each one an opportunity to “opt out” of it. In most class actions, such notices are mailed to class members. Here, however, the class members were, for the most part, migrant farmworkers who did not have regular or reliable mailing addresses. Moreover, most of them did not speak English.

To overcome these obstacles, we first had to get the notice translated. Then we had it printed in three columns – English, Spanish and Tagalog—on large 17- by 22-inch broadsides. Naturally we had the job done by a union printer, so each notice proudly displayed the union bug. We mailed copies to all for whom we had addresses. That was the

easy part. Judge Kelleher was going to insist that we get copies of the notices into the hands of as many farmworkers as possible. The only way to do that was to go out to the fields where they were working and hand the notices to them. And in October, they were not going to be found in Coachella.

So notices went out all over the state. Mike McCrory and I drove out to Calexico with several thousand of them. If we did not exactly blanket the Imperial Valley with our notices in the next few days, it was not for lack of trying. With the help of field office staff, we gave notices to workers boarding their crew buses in the staging area known as *El Hoyo*. We had them published in local newspapers. We posted them on bulletin boards. We took them around to growers' payroll offices, to be folded and stuffed into workers' pay envelopes. Finally, we drove all over the Imperial Valley handing them out to crews in the fields.

We even taped notices on the inside doors of the portable toilets that were towed behind the crew buses, at sit-down eye level. That way, anyone who was taking care of business could also bone up on the arcana of federal class action procedure. While Judge Kelleher was suitably impressed by this last touch when we reported back to him, it is unlikely that anyone really read the notices that were so conveniently posted. We never heard of a single *mayordomo* complaining about workers extending their bathroom breaks to read them. At any rate, the judge decided that we had done everything reasonably possible to get the notices to the grape workers in our plaintiff class. In due course, he certified the case as a class action.

Until then, the growers' and Teamsters' lawyers had belittled the civil rights case as nothing more than an irritant. With this decision, however, the stakes became potentially huge—big enough to bring them all to the table to start serious settlement discussions. In the spring of 1978, the defendants agreed to pay \$100,000 to the union to settle the suit.

With that, the work of L.A. Legal was done. The settlement of the civil rights suit left us with no really good reason to keep the office open. Mike left California in the spring of 1978 to take a job with a migrant program in New Jersey. Jim and I stayed on, working on various projects on weekdays and “gaming” with everyone else in La Paz on Saturdays. That summer, George Lazar told us we would have to close the office down and join the rest of the legal department in Salinas by Labor Day, which we did.

So far I've left out the most important part. Margaret and I did not see that much of each other during the year and a half after I left Calexico, except for a few times when she was in Los Angeles for the Prop 14 campaign. During that time I was maddeningly tone-deaf to the last line of the song I mentioned earlier: “Once you have found her, never let her go.” Margaret left the union in October of 1977 after more than six years in the health group. We had resumed our correspondence a few weeks earlier, so she came down to Los Angeles to spend the weekend before boarding the Greyhound Bus to head back east to

her home in Dubuque, Iowa. That weekend was a good omen for much that has happened since.

A few months later, in April of 1978, I went to a strategic planning meeting in La Paz with a terrific toothache. At the time, Cesar and Richard Chavez were practicing a form of healing that involved holding the healer's hand close to the locus of the patient's pain, so that a warm energy field would pass from the hand and soothe the pain. It also involved playing a tape of what sounded like the monotonous clickety-clack of an endless train going over track. Anyway, after a good session of this in Cesar's office, it worked, or at least I willed it to work. The rest of the evening the pain was gone, a phenomenon I attributed entirely to the healing session. When I woke up the next morning, however, the toothache was back with a vengeance.

Fortunately I had already made an appointment with a dentist back in Los Angeles as my back-up plan. I hitched a ride with Avelina Coriell, who was driving there anyway. Avelina, it turned out, had an ulterior motive for letting me ride back with her. She asked me if I had heard from Margaret lately and then said, "You know, you're one of the reasons Margaret left the union. She got tired of waiting for you." (I've told Margaret this story, and she insists Avelina made it up.)

Meanwhile, Margaret had returned to California and had taken a staff position with the California Conservation Corps (CCC). She was assigned first to a center near San Luis Obispo and then to one in the mountains above Santa Cruz, as center director. We began seeing each other again in May. By summer we were definitely an item. She would come to visit me in Los Angeles, and I would go to see her in San Luis Obispo or Santa Cruz.

That summer of 1978 I made my own application to the CCC. I was ready to move on and, in any event, there was by then no long-term future in Jerry Cohen's legal department. Cesar had ordered it shut down.

This is the story of the legal department's demise as it was told to me at the time: By 1978, the UFW boasted one of the most dazzling arrays of labor-side legal talent anywhere in the country. Its attorneys' achievements in the legal arena had contributed in no small measure to the union's spectacular successes in the fields. At the same time, the union paid most of them \$600 a month, an amount they were coming to view as inadequate. In the spring of 1978, they believed the outlook for a raise was favorable if they presented it as a group demand.

Accordingly, Jerry presented the demand to Cesar and the executive board. They were not amused. As a reward for this collective impertinence, the board agreed that, yes, the attorneys' monthly pay would be increased to \$1000, but only for as long as they remained on staff. Then the other shoe fell. The legal department was to be dismantled, beginning immediately. Jerry, who had built it up, was now ordered to tear it down. Cesar directed him to fire two attorneys at a time until none were left except himself and Tom Dalzell.

(My recollection is that the terminations were to occur monthly, but it may not have been that often.) Once everyone else was gone, Jerry and Tom were to leave, turning off the lights on the way out.

I was waiting for a response from the CCC when the Rutkowskis and I moved to Salinas on Labor Day weekend to join the rest of the diminishing legal department. The two-by-two departures had already begun. A few weeks later, I got my acceptance letter. And so, one October morning, Margaret came over from Santa Cruz to drive me to the CCC's training academy near Angels Camp, in the Gold Rush hills southeast of Stockton. It was, fittingly, an abandoned tuberculosis sanitarium.

Thus ends the story of my time with the union. Margaret and I worked at different CCC centers in Southern California until March of 1980. We then left California to get married and start our new life together in a different climate. We were married in her parents' church in Dubuque on March 29, 1980. From there we headed south to Mississippi to join Jim Drake and other former UFW colleagues in their project to organize Southern pulpwood cutters, but that is another story in itself.

After that, I went to law school at the University of Mississippi ("Ole Miss"), graduating in 1984. We then lived in Atlanta for six years. In 1990, we moved to Milwaukee, our present home, where I have been practicing union-side labor and employment law ever since. Margaret has been providing nursing services to elderly residents of City of Milwaukee low-income housing for 11 years.

Our daughter, Jennifer, was born September 6, 1984, shortly after we moved to Atlanta. Our son, Michael, was born in Seoul, Korea, on March 31, 1987, and became part of our family on December 2, 1987. When the social worker first asked us if we would like to adopt this little Korean boy, whose name was then Woo Sung Ho, Margaret said it was a good omen. After all, his birthday was on March 31, the same date as Cesar's.