

APPENDIX A

Marshall Ganz did not submit an essay to the Documentation Project for publication but some parts of his Harvard doctoral thesis are included to provide the reader with an explanation of the origin of the farmworker union's legal department, the union's concern about secondary boycotts, the role of the ILWU in the earliest days of the grape strike, and the role of Bill Kircher in creating a merger between the AWOC and the NFWA.

Marshall Ganz 1965 - 1981

Harvard University – Cambridge, Massachusetts
October, 2000

“Five Smooth Stones:
Strategic Capacity in the Unionization of California Agriculture”
by Marshall Ganz

Secondary Boycotts and the Birth of the Legal Department (pages 432-434)

Because it was not covered by the NLRA, the UFWOC was free to boycott Tribuno, even though its primary labor dispute was with Perelli-Minetti, and to boycott the retail outlets that sold it. As UFWOC picket lines became more effective, Mayfair tried to enjoin picketing. Acting UFWOC attorney, Victor Van Bourg, a prominent San Francisco labor lawyer who had represented AWOC, stipulated on UFWOC's behalf it would not secondary boycott. The UFWOC victory at DiGiorgio's Arvin ranch brought with it a small peanut shelling plant that fell within the NLRA definition of a commercial, not agricultural, shed because most of the peanuts it processed were not grown by DiGiorgio. Because 15 peanut shelling workers covered by the NLRA were also UFWOC members, Van Bourg concluded, UFWOC was covered by the NLRA and could not secondary boycott – the normal situation he was used to dealing with. UFWOC had “burned out” its first attorney, Alex Hoffman, and Van Bourg's services had come with the merger. Dissatisfied with his approach, however, and believing “there was more to it than that”, Chavez, Drake, and Chatfield recruited a young lawyer, Jerry Cohen, who had come to work at the McFarland office of California Rural Legal Assistance, but who was unhappy with the fact the OEO program was barred from supporting the union.

In his first year of legal practice, Cohen had no background in labor law to recommend him. But he did have an interest in constitutional law, a history of student organizing at Amherst, involvement with FSM, civil rights and anti-Vietnam activities at Berkeley, and a “love for the fight.”

Cohen explains: “At that point, I said, “I don’t know anything.” And he (Chavez) said, that’s fine, we don’t know anything either. . . We’ll just learn this together . . . But you can’t do it from other there. They have conditions in their grant; they have pressure from politicians; just forget it.” So in March I came to work for the union.”

On his first weekend with the union, when Chavez took him to Van Bourg’s office to reclaim legal files, Cohen noticed the secondary boycott stipulations. Cohen remembers: “. . . you look at the law new, and it’s the first thing that jumps out at you: it’s unfair and there’s a simple way to deal with it.” Not seeing how 15 peanut shelling workers could bar an entire union from secondary boycotts, he devised a scheme with Chavez and Kircher to place them in a separate, directly affiliated AFL-CIO local, removing them from UFWOC and thus leaving it free to boycott. This maneuver protected UFWOC’s use of the consumer secondary boycott, so important to the Perelli-Minetti boycott and the table grape boycott that followed. It illustrates the limited strategic capacity of the AFL-CIO labor lawyers who “saw what they expected to see”, while the fresh eyes of UFWOC leaders, who had used the law creatively during ten years of administrative hearings and of their young new civil rights-oriented lawyer, saw new opportunities. Cohen remembers Chavez telling him, “That was a fabulous thing you told me. That’s going to change our power. . . Don’t worry that you don’t know. You knew something that Van Bourg didn’t know.”

“No, no, no labor dispute” at Pier 50 (pages 322-323)

On November 17, (1965), four NFWA pickets posted themselves at Pier 50 on the San Francisco docks, (Gilbert) Padilla recalls:

“We went there as the grapes were being loaded onto ships to Japan . . .and I’m standing out there with a little cardboard with a picket, “Don’t eat grapes.” And then some of the longshoremen asked, “Is this a labor dispute?” And I said, ‘No, no, no labor dispute.’ So they would walk in. And Jimmy Herman came over and asked me, ‘What the hell you doing?’ And I told him we were striking. He knew about the strike but wanted to know, ‘What are you asking for?’ And I was telling him and then he says, ‘Come with me.’ He took me to his office, he was president of the clerks. He took me (into) his office and Jimmy got on his hands and knees and he made picket signs. And he told me, ‘You go back there and don’t tell nobody about who gave you this. But you just stand there and don’t say a god damned thing.’ The sign said, ‘Farm Workers on Strike.’ And everybody walked out of that fucking place, man! That’s the first time I felt like I was 10 feet tall, man! Everybody walked out. So then they asked what’s happening and we were telling them and Jesus Christ, man, I never seen anything like it. There were trucks all the way up to the bridge, man! So they stopped and Jimmy says, ‘You’re gonna get an injunction as soon as the people find out what’s happening. In the meantime you got to stop them. You go ahead and do it. They ain’t gonna do nothing to you. Can’t do a thing to you, but they’re gonna go after . . .Harry Bridges (who) will have no choice but to ask you to leave because if they

get an injunction, they'll get fined. So you do it until that happens.' And they took the grapes out."

Because of the 1,250 cases of Pagliarulo grapes on board, the President Wilson, scheduled to leave with 400 passenger for the Far East, was tied up. The grapes were removed. On November 28, a similar action on the Oakland docks got 2,500 cases of DiGiorgio grapes removed. While a powerful tonic to the strikers, however, suits by Pagliarulo for damages of \$59,000 and by DiGiorgio for \$38,000 led to injunction of further picketing of the docks by December 15.

Bill Kircher, National Director of Organizing, AFL-CIO (pages 341–345)
The Birth of UFWOC

"During its (March to Sacramento 1966) second week, as the march proceeded from Fresno to Stockton, the new director of organizing for the AFL-CIO, William Kircher, arrived to take a look. Kircher had been recruited by Livingston to take over when he retired in December. Meany told him his first task was to deal with the 'AWOC problem': 'Meany told me if we couldn't translate this into some form of organization, then I had better look around for some union that would be willing to take the effort over and make it part of its operation.'

One reason Meany gave Kircher for this assignment was his anger with Reuther's maneuvering, 'He (Reuther) was there for one day and got six years of publicity . . .' Given that Kircher had been among the Reuther opposition and was party to a rivalry with (Paul) Schrade that went back to a time when he was Livingston's 'man' on the West Coast, Kircher seemed well suited for the task at hand.

Kircher got introduced to the farm labor scene at the Senate hearings. 'It was obvious Cesar had taken over the strike and that he had a lot of charisma and ability to work. But I didn't get chance to really see him in action until those Senate hearings Pete Williams held in California.' He was impressed with how Chavez handled Congressman Hagen's red baiting. He joined the march.

'I got some old clothes, and I figured the best goddam way to find out what was going on was to avoid the experts and live with the people, so I walked with them, and I talked with them . . . I happen to be a practicing Catholic and I go to Mass on a daily basis if I can, and here we were, going to Mass every morning, meeting every night, and Cesar began to talk (to me) more . . . The whole thing had a strong, cultural religious thing, yet it was organizing people. . . Chavez knew. . . that to approach the organization of these people like an organizer going into an auto plant some place was ridiculous. . . while Chavez directed their attention to their economic needs, he pulled them together through this common denominator, the cultural religious form.'

Kircher did turn out to be the right man for the task at hand, but not for the reasons Meany may have had in mind. His life experience had given him an understanding of unionism more as a vocation than a job, especially when it combined his Roman Catholic faith with his politics as the NFWA did. Although Livingston's protégé, he had a feisty 'love/hate' relationship with him, not dissimilar from the relationship he was to have with Meany. As a college graduate journalist who worked his way up through the UAW as an education director – and for whom his Catholicism was an important source of commitment to his work – he was himself a 'borderlander' between the 'bread and butter' unionism of the AFL and the 'social reform' unionism of the CIO. Although he had no experience with the farmworker world, the diversity of organizing experience in a variety of industries and regions he did have equipped him to pay attention – and to learn. The fact Meany wooed him to accept the position and made solving the 'AWOC problem' his top priority also gave him a degree of autonomy his predecessor had not enjoyed. He had already begun a wholesale reorganization of the staff, hiring younger, more active men who shared more of his perspective. His leadership was also required to manage a new farm labor task force the CSFL (California State Federation of Labor) had established in February to coordinate AFL-CIO involvement in the strike. And at 51, he was determined to make a mark in his new leadership role.

As Kircher participated in the march, got to know Cesar and the NFWA leaders, and came to see the limitations of Green's leadership of AWOC, he became convinced that if AWOC was to have a future it would be in persuading Chavez to affiliate. 'My first judgment was the AWOC was crazy . . . but as I got talking to Green, it was obvious the problem was jealousy. The whole identity of the cause had gone over to Chavez and the NFWA. . . .' As for Green's alliance with the Teamster's, an organization Kircher had fought in Ohio and Pennsylvania, 'the Teamsters had organized 8 or 9 citrus packinghouses and had won NLRA elections, but the AWOC seemed to receive no benefits. . . all the organizing AWOC had been doing had been done with labor contractors'.

The NFWA leaders, however, remained skeptical of affiliation with the AFL-CIO- especially if it would compromise their autonomy. Chavez said, 'I just knew that a big organization was not going to let a little organization get it into trouble. They had too many things at stake if we started raising hell with strikes and boycotts.' Huerta commented she thought Kircher invited her to Mass with him to 'check her out' and see if she were really a communist. Schrade and Kircher had become frequent visitors to the march. But Schrade had an advantage in that he represented Reuther, who recognized the NFWA's independence, while Kircher represented Meany, who was responsible for six years of AWOC. Their rivalry, however, as well as that of their principals, gave the NFWA greater leverage to negotiate its position than might otherwise have been the case.

For Kircher, the situation came to a head as the march approached Modesto, Green's home base, and a local paper reported the AFL-CIO would boycott the march when it

arrived. Chavez gave Kircher the clipping, asking him how he could invite the NFWA into the AFL-CIO, when this was the AFL-CIO's position.

Kircher recalls: 'Here I am, director of organizing for the whole goddam federation, reading in the Turlock paper that the AFL-CIO is boycotting the goddam march. Not only that, but AFL-CIO leaders are charging the NFWA is not really a union . . .that kind of crap. This was Green, it was his line . . .so we drove to Stockton.'

The next morning Kircher summoned Green to a meeting, reminded him who was in charge, and told him that since Modesto was his home base he would judge his influence in the labor movement by how large a reception he organized for the farmworkers. When late that afternoon the march arrived, the reception committee at the side of road had been joined by an unlikely array of Anglo Modesto union officials who held signs reading: 'Glaziers Union Local 79, Viva La Causa!', 'Asbestos Workers Local 1215, Viva La Huelga!' Kircher ordered Green to fade into the background, shut down the citrus operation, transferred AWOC funds to Delano, and gave Larry Itliong direct control over his end of the Delano grape strike."