

## APPENDIX B

Jerry Cohen 1967-1979

The following op-ed piece appeared in the Los Angeles Times on January 15, 1986.

Los Angeles Times

“UFW Must Get Back to Organizing:  
Despite Opposition, Farm-Labor Law Is Still a Potent Weapon”  
by Jerome Cohen

One constant in our political life is the shameless manner in which certain politicians cater to the needs of the special interests that nurture them. Agribusiness has contributed almost \$1 million to George Deukmejian, and now enjoys immunity from effective enforcement of the Agricultural Labor Relations Act of 1975.

Deukmejian’s general counsel to the Agricultural Labor Relations Board, David Stirling, has effectively denied farm workers access to the law intended to protect them. Worse, he has dropped all semblance of neutrality and has publicly called the tactics of United Farm Workers President Cesar Chavez “vicious” and “utterly contemptible.” While it is ironic that a “law-and-order” Administration would subvert the enforcement of the nation’s most important farm-labor law, it is not surprising. What is surprising is that this Administration is getting away with it.

Chavez’s response has been to resurrect an old pre-ALRA weapon, the grape boycott, in hopes that economic pressure on the growers will cause them to pressure the Deukmejian Administration into enforcing the law.

Given the current resources of the UFW, the boycott may be a necessary response to the situation. But it is not sufficient to change deteriorating conditions in the fields. For example, during the past tomato season in northern San Diego County, hundreds of farm workers lived outside without adequate shelter or sanitation in a place called Devil’s Canyon. During the last strawberry harvest in Salinas, workers lived in caves within minutes of the UFW field office.

Only day-to-day organizing by the farm workers’ union can help these people assert their legal rights in an effective manner.

Chavez blames Deukmejian and Stirling for the union’s inability to organize, yet the union thrived under unfriendly administrations at both state and federal levels during the late 1960’s and early ‘70’s – the governorship of Ronald Reagan and the presidency of Richard

M. Nixon. As farm-labor elections statistics prove, the union stopped organizing effectively before Deukemejian became governor in 1982.

The clumsy manner in which Deukmejian and Stirling have undermined the law has given Chavez needed scapegoats. But here we should render unto Cesar what is Cesar's – namely, the responsibility for the UFW's failure as yet to fulfill its promise.

Chavez has the capability to ensure that the UFW fulfills its potential. He simply must return to the basics. During its early years the forces arrayed against the UFW were formidable: the growers, the Teamsters and a host of governmental officials. Yet, the union prevailed. Organized farm workers took responsibility for altering the adverse conditions of their lives. Their actions enabled Chavez to forge an effective coalition of labor, religion, students, consumers, Democrats and liberal Republicans. The real source of power lay in the reality of the struggle.

The tools were not only the boycott but also the picket line, the strike and the aggressive use of the courts. Now there is an additional tool, the ALRA, which is quite simply the best labor law in America. It provides for elections within seven days of filing, immediate work-site access to farm workers, an “industrial unit” in which all farm workers vote together, and a “make-whole remedy” that gives workers back pay as a result of the growers’ failure to bargain in good faith – elements for which most unions would gladly give their eyeteeth. The law is still intact. Even with the current hostile Administration, the law would be an asset and not an obstacle in the context of a real struggle, which would generate the power needed to counter the power of agribusiness.

The union when in full fight was like water running downhill. Without the constant pressure brought by some of the best organizers in the nation there never would have been the passage of the ALRA in 1975, and without the pressure later of thousands of organized farm workers there never would have been enforcement of its provisions. Those organizers are gone now, replaced by a giant printing press and a direct-mail campaign – the latest in sophisticated political technology.

Now, junk mail does not organize people; people organize people. In recent months Chavez has emerged from his mountain retreat, spending his image like coin on the boycott hustings. More than just the boycott is needed. Properly viewed, Chavez's use of direct-mail technology could be an additional tool, like the ALRA, to support the essential function of the union – organizing. Unions that do not organize, die.

California farm workers have at their disposal the best labor law in America and the only man who ever successfully formed a farm-labor union. Yet, they have little faith in the processes of the law, and suffer rapid deteriorating conditions in the field. Only organizing will give these people a sense of the possibilities of life in this country, and a sense of hope.

*Jerome Cohen was general counsel of the United Farm Workers of America until 1979. He is now in private practice in Carmel Valley, California.*