

## Memo from Chris Hartmire to NFWM Action Mailing List 1972

TO: ACTION MAILING LIST (February 1, 1972)

FROM: Chris Hartmire

NAN FREEMAN: On Tuesday, January 25, 1972, Nan Freeman an 18 year-old college student was killed on a UFWOC picket line near Belle Glade, Florida. Nan's family is orthodox Jewish. They live in Wakefield, Mass. She is the first person ever to be killed on a UFWOC picket line. Memorial services have been held in every UFWOC boycott city and field office. The Massachusetts Board of Rabbis is considering a living memorial in Nan's name. In his eulogy Cesar Chavez said of Nan: "...To some she is a young girl who lost her life in a tragic accident. To us she is a sister who picketed with farm workers in the middle of the night because of her love for justice." Additional information is available from the NFWM office.

CURRENT BOYCOTT: Farm workers have been organizing in the Napa Valley (California) since 1966. Contracts have been won with Christian Bros., Beaulieu & Inglenook. Other Napa growers have resisted and have now called in the Farm Bureau to coordinate their campaign against the farm workers union. UFWOC is currently engaged in a nationwide boycott of 9 NAPA VALLEY WINE GRAPE GROWERS: *Chas. Krug, Robert Mondavi, Beringer Bros. (owned by Nestle's), Sebastiani, Weibel, Inc., Wente Bros., Louis Martini, F. Korbel & Sona, Kornell*. Please avoid these wines until an agreement is reached. If you have received a letter from Nestle (Beringer), Dave Hernandez has written a reply which is available from the NFWM office.

LETTUCE: The lettuce talks have failed (see CMM Newsletter, Dec. 1971). UFWOC is preparing for a full scale boycott of non-union lettuce. We will let you know when the lettuce boycott actually begins.

ASSASSINATION PLOT: In late July 1971, the Alcohol, Tobacco & Firearms Division (ATF) of the U.S. Treasury Dept. warned UFWOC about an assassination plot against Cesar Chavez. They provided names and pictures of people known to be involved. There were apparently 2 contracts: \$25,000 to kill Cesar and \$5,000 to burn certain UFWOC files. Subsequently, the "hit man" was arrested on an unrelated murder charge and a middle man was arrested on a narcotics charge. At that point ATF dropped the investigation. UFWOC has raised \$20,000 (\$10,000 from UAW) and is offering a reward for information leading to the arrest and conviction of those responsible for the plot (i.e., the people who put up the money). UFWOC has also called for a congressional investigation and an explanation from Treasury Secretary John Connally as to why federal agents dropped the case. You can help by writing Senator Birch Bayh (with copies to Edward Kennedy and

your own Senators) asking for a congressional investigation of the Treasury Dept's handling of the case.

LEGISLATION: The enclosed materials are to help interpret the boycott and to prepare for some important legislative battles ahead. FARM WORKERS NEED YOUR CONTINUED UNDERSTANDING AND HELP

ENCLOSURES: 1) On Legislation... 2) On Boycott... 3) On Elections

Understanding The Farm Workers' Position On Legislation  
(with an attached historical sheet)

For 37 years Farm Workers have been excluded from the protections of federal collective bargaining legislation. For that reason Delano grape growers in 1965 could ignore the demands of their organized workers for union representation elections and negotiations. Farm workers said: "We are organized, we are willing to prove it with an election, we have suffered long enough, we want to meet with you as equals to discuss our grievances." Growers in effect said: "You don't exist; the law does not require that I meet with you; if you don't like it here than leave and I will find workers who are poor enough and hungry enough to do what I want without complaining." The workers went on strike. The growers fought back with strike breakers and the long struggle began in California's grape fields.

In the course of that struggle farm workers discovered a way to make progress. The growers did find strike breakers (many of them illegal workers from Mexico) and they were willing to absorb the losses of the strike. So farm workers went out on the boycott. They left the fields and went to strange cities across the country. Marcos Munoz went to Boston; Eliseo Medina went to Chicago; José Serda to Los Angeles; Andy Imutan to Baltimore; Dolores Huerta to New York City, etc., etc. Some left their families behind. Others took their families with them. They lived on next to nothing (room and board and \$5.00 per week). They worked hard, they sacrificed and they laid their cause before the consciences of the American people. And they won! They won in wine grapes and in table grapes. And farm workers all over the country began to stir from decades of poverty and misery.

Now, after farm workers have found a way to struggle and win through the strike and boycott, The Farm Bureau and other agribusiness interests have developed a keen interest in legislation. For 37 years they have opposed all protective legislation and denied all bargaining rights to their workers; now they say they want farm labor legislation. The Farm Bureau talks about "secret ballot elections" and "the rights of the workers" but their real legislative goal is to stop the boycott and to make strikes impractical.

In every major agricultural state the Farm Bureau has introduced anti-UFWOC collective bargaining legislation. In 1971 farm workers and their supporters defeated or delayed

repressive legislation in Washington,, Oregon, New Mexico, Michigan, Illinois, California, Colorado and other states. Some of the major defects in these state bills are as follows (these are only a few of the defects)

- 1) Prohibition against important elements of the boycott.
- 2) Prohibition against strikes at harvest time (when else are farm workers there).
- 3) A complicated election process that ensures that most seasonal farm workers will be gone before an election takes place.
- 4) Restrictions on the right of migrants even to vote in elections—if they happen to be around at election time.
- 5) Control of the election process by anti-UFWOC politicians (e.g., Governor Reagan)
- 6) Elimination of card check elections and strikes as valid expressions of the will of the workers (under federal law card check elections are the most common form of election).
- 7) Inadequate remedies for workers against intimidation by growers and others in the community.

This Farm Bureau legislative thrust will continue at the state and federal level.

What is the UFWOC position on legislation: On April 16, 1969 Dolores Huerta appeared before the Senate Subcommittee on Migratory labor and read Cesar Chavez' prepared statement on collective bargaining legislation. UFWOC's position favors extension of the National Labor Relations Act (NLRA) to farm workers but without the crippling Taft-Hartley and Landrum Griffin amendments (see attached historical sheet), UFWOC favors the same kind of protections that industrial workers had when they were first protected by the Wagner Act in 1935. Friends of the farm workers argue that it is impossible to get the original Wagner Act for farm workers. They point out that growers and chain stores are organized in every state. The farm workers are organized in only a few places. Only 105 of America's farm workers are covered by union contracts. It seems inevitable that a strong UFWOC collective bargaining bill introduced in Washington, D.C. would be amended and watered down and farm workers would be stuck with legislation that provides for elections but robs them of the power to gain good contracts. So the farm workers have chosen to keep struggling without legislation. They prefer to make gains slowly and surely and to build a democratic union that may some day have the strength to gain good Federal collective bargaining legislation. In the meantime they are forced to oppose all the repressive legislation that will keep appearing in state after state. Some general comments on the legislative scene.

- (1) Legislation has limits – It may not always provide solutions for the problems of the poor. Cesar Chavez and the farm workers are saying to us: we are not interested in a legislative solution that has the appearance of justice. We want what we have always wanted: enough organizational strength to take care of our own needs and to meet our employers as equals. Legislation can either help or hinder the development of that

organizational strength. The growers are promoting legislation that is designated to hinder it.

- (2) Cesar Chavez and the farm workers with him have accepted responsibility for organizing farm workers; they are willing to do the work and make the sacrifices that will build a strong, national farm workers union. They have to be the judges of what is useful and what is not useful in the way of legislation. If we believe in self-determination for farm workers we dare not second guess them on what is good for their movement. (unfortunately there are too many legislators – Democratic and Republican alike – who are perfectly willing to operate as if they know better than farm workers do what is good for the farm workers union).
- (3) If our representatives pass legislation that has the appearance of justice but denies farm workers the tools they need for building a strong union then there will be no peace in the fields. The aspirations and the frustrations of the poor will become visible one way or another.

YOU CAN HELP the farm workers cause by staying alert to the legislative scene and by helping farm workers defeat repressive state legislation. You can also help by interpreting the significance of the boycott and by doing everything you can to make the boycott stronger. (The NFWM office has a paper entitled “The Farm Workers Boycott is Moral and Legal” and another paper describing the history of union representation elections in agriculture)

Rev. Wayne C. Hartmire, Jr., Director  
National Farm Worker Ministry  
1411 West Olympic Blvd.  
Suite 501

“Some History And Some Comments On Collective  
Bargaining Legislation For Farm Workers”

On April 16, 1969 Dolores Huerta appeared before the Senate Subcommittee on Migratory labor and read Cesar Chavez’ prepared statement on collective bargaining legislation for farm workers. In order to understand that position it is necessary to take a brief look at the history of labor legislation in the USA.

1932 Norris-LaGuardia Act (N-LaG): in response to widespread use of repressive court injunctions that crippled legitimate organizing efforts, Congress passed the N-laG Act. It required federal courts, considering labor injunctions to give notice to all parties involved, to hear testimony of witnesses with opportunity for cross examination and to issue injunction only if the Court finds that the lack of an injunction will result in irreparable property damage and that greater injury will result to complainant from denying injunction than to defendant from granting it. This act was weakened by provisions of the Taft-

Hartley and Landrum Griffin Acts. In most states (including California) employers can still go to state courts for anti-strike injunctions.

1933 National Industrial Recovery Act: Established public policy in favor of labor organizing and collective bargaining. The U.S. Supreme Court declared the Act unconstitutional.

1935 Wagner-Connery Act otherwise known as the National Labor Relations Act (NLRA): It created the National Labor Relations Board (NLRB); established procedures for union representation elections and good faith collective bargaining outlawed certain employer unfair labor practices.

1947 Taft-Hartley (T-H) Amendments to NLRA: Outlawed certain unfair labor practices by employees; outlawed certain kinds of boycotts\*; permitted states to pass laws that allow workers to have benefits of contract without joining union or paying dues (major agricultural states like Texas, New Mexico and Arizona are “right to work” or better “right-to-parasite” states).

1959 Landrum-Griffin (L-G) Amendments to NLRA: strengthened secondary boycott restrictions; outlawed clauses in contracts which permit non-handling of scab products (“hot cargo” clauses); made organizational and recognition picketing illegal under certain conditions; in each of the above three cases required NLRB to seek an injunction against unfair union practices upon issuance of NLRB complaint (UFWOC asked in April 16, 1969 testimony: why no “mandatory injunctions” in cases of employer unfair labor practices?).

1959 Landrum Griffin Act otherwise known as Labor Management Reporting and Disclosure Act: This Act as distinct from L-G Amendments to NLRA provides for union membership rights, protects democratic practices in unions and requires reporting on membership and money matters to Federal Government. UFWOC has no argument with legislative support for democratic unionism. The references to L-G in this paper refer only to the L-G Amendments to NLRA.

UFWOC and Cesar Chavez favor legislation that will make possible a strong farm workers union. They are not asking for preferential treatment. All they are asking for is the same protective legislation that industrial workers had when they were in the position that farm workers are in today. To quote from UFWOC’s statement to the Senate Subcommittee:

*“The relief we seek today is neither very new nor very revolutionary. It has proved beneficial to the nation in the past when unions were weak and industry strong. We need and favor NLRA amendments along the lines of the original Wagner Act, but we oppose for this period in history the restrictions of (the) Taft-Hartley (1947) and Landrum-Griffin (1959) (amendments to the Act)..... The policy of the original Wagner Act and its administration for 12 years (1935-1947) was to promote unionization of the*

\* Farm workers boycott includes primary (“please don’t buy lettuce”) and secondary (“please don’t shop at this store”) elements. Both are very important to the farm workers cause. T-H outlawed the secondary boycott.

*unskilled and semi-skilled workers in mass production industry. Its aim was to quiet widespread industrial unrest and to meet the social and economic challenge of the great depression. Senators will recall that when the 90th Congress passed the T-H Act over President Truman’s veto, labor leaders called it a “slave labor act”. They were ridiculed later when their union survived. But what survived? Large, well-established unions which had on-going collective bargaining relationships with employers who were by that time accustomed to dealing with labor unions. That’s what survived.*

*“Taft-Hartley did, however, accomplish the purpose of its sponsors in that it effectively decelerated the pace of union organizing an annual union membership statistics will show. History will record that T-H and L-G together with continuing business community determination to oppose unions..... succeeded in checking the progress of labor organization in America before it had accomplished half its job..... Where would the large industrial unions be today if Congress had “protected” them from the beginning, not with the Wagner Act, but with the T-H Act in its present form?*

*“We too need our decent period of time to develop and grow strong under the life giving sun of a favorable public policy which affirmatively favors the growth of farm unionism.”*

What are some of the practical realities behind Cesar Chavez’ statement? UFWOC has had nearly 7 years of experience under strike and boycott conditions. They have learned that growers can find hungry green carder workers in Mexico to break strikes. The result is that strikes, though costly, do not produce sufficient economic pressure to bring about bargaining and contracts. All UFWOC contracts with wine and table grape growers came under the pressure of boycott. Cesar Chavez and the workers with him have learned that is it the boycott and only the boycott that has the power to equalize and persuade in a wealthy industry that is hostile to unions. The LNRA (as amended by T-H and L-G) provides for elections and bargaining but does not require contracts. What if employers who are opposed to unions stall on agreeing to contracts? What leverage will farm workers have to produce contracts since the NLRA (as amended) takes away much of the power of the boycott?

Without access to equalizing economic power farm workers could be stalled at the bargaining table and tied up in countless NLRB and Court deliberations around unfair labor practices. Wealthy employers determined to resist unionization can file law suit after law suit against UFWOC and invite other lawsuits by committing unfair labor practices — all with a mind toward avoiding contracts. This is not a myth!~ It is in fact what happens regularly in the southern textile industry and in other industries where the workers are weak and the employers and the community hostile to unionization. “NLRB and court cases involving J.P. Stevens & Co. serve as a good case history for anyone who is interested in learning just how an unscrupulous employer, who has the support of the local establishment, can make a mockery of the labor act. Since 1953, when the Textile Workers Union initiated an organizing campaign in its plants, complaints have been issued against

the company on 10 successive rounds of unfair labor practices. The company has lost many a case, including one which cost it \$654,573 in back pay; but it hasn't yet signed a contract with the union and shows no sign of abandoning its illegal anti-union campaign. At this point the TWUA does not have under contract a single mill in the southeastern states belonging to any of the big three textile chains—Burlington, J.P. Stevens and Deering-Milliken—even though the union has won NLRB elections at such plants. (from an article by Thomas E. Harris entitled “Remedies For An Aging NLRA”)

### The Farm Workers' Boycott\* Is Moral & Legal

It was a meeting like many others we had been in before. Two farm workers, a Rabbi, a housewife and I were talking to the owner of a large Southern California supermarket chain. Inside, Mr. S (the owner) was elaborating on why he wouldn't help farm workers by removing non-union lettuce from his stores. First of all he did not want to become involved. He reminded us that he was not a farmer nor did he employ farm workers. All he wanted to do was run his grocery business. His business principle is to sell anything his customers are willing to buy. We described the suffering of farm workers. We told him about the benefits of the union. We explained to him that he was already involved because he was supporting the growers by selling non-union lettuce. We urged him to elevate the needs of poor people above his business principle. He said his only responsibility was to his customers. We disagreed. We reminded him that his company did its business and made its profits in this society – not on some other planet. We tried to show him that he had a broader responsibility in this society – a responsibility to support poor people in their struggles, a responsible to help make America a more just society, a responsibility that is even greater because of his power and influence. He was not convinced.

So we told him that farm workers had only one recourse: since he was unwilling to respond on the basis of moral responsibility then we would have to go to his customers and explain the issues and ask them not to shop at his stores until he was willing to do what was right and just. Mr. S probably doubted that his customers would pay any attention. But the next day each of his stores had 2 or 3 boycotters in the parking lot peacefully handing out leaflets, talking to people and urging them too shop at another store. In two weeks 7,500 customers had turned away from Mr. S's 29 stores. His customers cared – not all of them – but enough to persuade Mr. S to alter his business principle and begin to sell only union lettuce. What he would not do because it was right he eventually decided to do because he was losing money.

People have different images of the boycott. The growers call it “Immoral and illegal”

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\* The Farm Bureau and other agribusiness interests are making considerable noise about legislation. They talk about “secret ballot elections” and “the rights of workers” but their basic legislative goal is to eliminate the boycott and make strikes impossible or impractical. This article was written by the Rev. Wayne (Chris) Hartmire, Director of the National

Farm Workers Ministry. It is available in limited copies from the NFWA office: 1411 W. Olympic Blvd., Rm. 501, Los Angeles 90015. Other papers on legislation & elections are also available from the NFWA office.

which makes it sound a little evil. But the boycott is clearly not illegal since farm workers are not covered by the law which outlaws some kinds of boycotts.\*\* Is it immoral? No one ever claimed that the boycott is perfect or pure. It is a way of bringing non-violent pressure on stores and on growers. It is the contention of this paper that the boycott is a morally sound and crucially important way of carrying on the farm workers' struggle for justice and dignity. Cesar Chavez calls it a most beautiful form of non-violent struggle because so many thousands of people can become involved. The beauty of the boycott is most evident when you watch the people who do the work of the boycott. Many of them are farm workers; others are students, some have left religious orders; most are just plain folks. They all work hard and live on room and board and five dollars a week. They spend 8-10 hours a day, six days a week in grocery store parking lots talking to customers. In an average day a boycotter will talk to 150 customers; some will ignore her or coldly reject the cause; others will curse her out or call her communist; but 30-50 of those customers will understand and will care enough to turn away. Listen to a typical conversation:

*Please help farm workers today by not shopping at Safeway (or A & P).*

(Safeway, ...Why, what's wrong with Safeway?)

*We are asking Safeway to help the farm workers by selling only union lettuce and they refuse.*

(Why pick on Safeway?)

*Because they are the largest chain in the West and because they have refused to help. Other chains are cooperating and are selling only union lettuce.*

(Well, I won't buy lettuce)

*That's very helpful, ma'am, but it would be even more helpful if you shop .at another store today. If Safeway actually loses customers they may be persuaded to do what is right.*

(But the nearest store is six blocks away and my kids are at home waiting for dinner.)

*I understand that but think about the suffering of farm workers. Is it really such a big thing to go six extra blocks to help them? Here is your chance to do something specific. Please do a simple deed for justice. Don't shop at Safeway today.*

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\*\* The 1947 Taft-Hartley Amendments & the 1959 Landrum-Griffin Amendments to the National Labor Relations Act (NLRA) make secondary boycotts illegal. The farm workers'



boycott includes primary (“please don’t buy lettuce”) and secondary (“please don’t shop at this grocery store”) elements. Both elements are very important to the success of the boycott.

Every day in every major city individual Americans respond to the pleas of the farm workers and their supporters and turn away from stores like Safeway. It is in fact a beautiful thing to see: hard work, sacrifice and simple persuasion by the boycotters and the willingness on the part of millions of folks of all colors and kinds to do “a simple deed for justice.” The boycott is an almost perfect example of determined non-violent action. And it is effective. Most chain stores will not tolerate the steady loss of their customers. In time they decide to cooperate with the farm workers’ cause.

But is the boycott necessary? Why don’t farm workers just talk to their employers directly? If they won’t talk wouldn’t a strike be sufficient to make them talk? In the grapes of course farm workers asked for elections, asked for a meeting but were ignored; they then went on strike and continued the strike. On August 3, 1967, 80-90% of Giumarra’s farm workers went on strike but instead of talking to his workers Giumarra spent thousands of dollars to recruit hungry people from Mexico to come and pick his grapes. The farm workers continued to strike but they also began a boycott of Giumarra’s grapes. Giumarra got around the boycott by illegally marketing his grapes under labels provided by other growers. The farm workers’ union eventually had to boycott all grapes and they eventually won contracts with their employers. In 1967 Giumarra (and other grape growers also) had so much unilateral power that he could refuse even to talk to his workers about an election, in 1970, after 3 years of strike and boycott Giumarra negotiated a contract with UFWOC and happily began to sell grapes again.

In lettuce the farm workers’ union is faced with the same situation as in the grapes. In July of 1970 Cesar Chavez asked lettuce growers for a meeting to discuss elections. The growers ignored this offer, sought out another union and signed sweetheart contracts behind the backs of the farm workers. Cesar Chavez repeated his offer for elections. The workers elected UFWOC Ranch Committees, organized and on August 24 1970 went on strike to gain the union of their choice. 7,000 workers went on strike in what the L.A. Times called the largest farm labor strike in U.S. history. The industry was shut down. Some growers decided to negotiate with UFWOC. But the vast majority sought other ways to stop the farm workers’ union. In September the growers got a local judge to outlaw the strike.

The farm workers had to choose between violating the court order or going out on the boycott. They decided to go to all the major cities to ask consumers to support their struggle. The lettuce boycott was effective. The Teamsters and UFWOC reached an agreement. The growers decided to negotiate. In March of 1971 UFWOC suspended the lettuce boycott and began serious negotiations with the lettuce industry. But the growers were not that serious. They stalled the negotiations through the key 1971 harvest and then rejected all the compromise proposals offered by UFWOC. The negotiations are over and farm workers have no other recourse but to return to the lettuce boycott.

The point of these illustrations is to show that the boycott is necessary if farm workers are to win the simple right of negotiating with their employers. The boycott has been used because growers refuse even to talk to their organized workers; the boycott has been used because growers are willing traffic in the hunger and misery of another country in order to bring in strike breakers. Agricultural employers could avoid all the pressures of the strike and boycott if they would be willing to respect their workers enough to sit down and talk with their representatives. How much better it would have been for Giumarra if he had had an election and negotiated in good faith in 1967 instead of 1970. How much better it would be for the lettuce industry if they would negotiate in good faith now instead of after a long and costly boycott.

The boycott is reasonable, necessary and directed toward a just end. For those who hesitate at this point ask yourself these questions: would it be better, would it be more just if farm workers were to stay locked in poverty and misery for another 100 years? Humanly speaking would it be better if the grape growers had succeeded in thwarting UFWOC's effort by using poverty-stricken people from Mexico to break every strike effort? Hasn't the boycott helped to open up a whole new world of possibilities for farm workers?

The boycott is both moral and legal. It is essential to the success of the farm workers' struggle. It is a way for farm workers to recruit practical and useful support from millions of Americans. It is a way for us to keep casting our vote for or against justice because the boycott will continue; now wines and lettuce, later other crops because there are hundreds of thousands of workers in citrus, vegetable, sugar, tobacco and melon fields who want and deserve a strong union.

The boycott is moral and legal. The fact that Congress in 1947 was fanatically anti-union and passed an anti-boycott law over the President's veto is no argument for outlawing the farm workers' boycott. Perhaps the full strength of the boycott should be made available to all workers again. Perhaps then all the Black and Brown working poor of America would have an adequate non-violent tool to bring about a measure of justice for themselves and their families.

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Wayne C. Hartmire, Jr., Director  
National Farm Worker Ministry  
1411 W. Olympic Blvd., Rm. 501  
Los Angeles, Ca. 90015  
1/72