

Farm Worker Initiative Is Needed to Guard Against Abuses 1976

By Cesar Chavez

Last May, the strangest meeting in the history of California agriculture took place in Gov. Brown's Sacramento office. There, the governor, members of his staff and representatives of nearly every growers' organization in the state had gathered to hear whether the United Farm Workers would support a compromise farm labor law.

Before the growers would commit themselves to the law, they wanted my personal pledge as president of the UFW that we would not return to the Legislature the next year demanding changes in the new statute. I was to relay our response by telephone from our headquarters in La Paz, Calif.

When my call came through, the governor hooked a speaker box to his phone so everyone could hear. "I agree. It is a negotiated agreement," was my reply. It was the last step in historic compromise between workers, growers and the Teamsters Union that resulted in passage of the Agricultural Labor Relations Act.

But the true significance of that May meeting cannot be grasped unless one recalls what has gone on for the past 40 years in California's fields. Traditionally, the growers have opposed any legislation to give their workers collective-bargaining rights, and have ruthlessly crushed every union-organizing effort. Despite the growers' intransigence, America's farm workers finally succeeded in building their union. Between 1965 and 1970 they conducted a strike-boycott that rallied millions of supporters to their cause, and forged an enduring alliance between unions church groups, students, minority people and consumers.

Faced with this new reality, the growers adopted more subtle tactics. They sought repressive legislation outlawing the farm workers' most effective nonviolent tool—the consumer boycott—and pushed an initiative—Proposition 22—which a 60% majority of the voters rejected in the 1972 general elections.

When growers tried to defeat the UFW by signing "sweetheart" agreements with the Teamsters Union, farm workers organized the largest field strike in the history of U.S. agriculture, and a worldwide boycott of non-UFW grapes, head lettuce and Gallo wines. In October, 1975, a Louis Harris poll showed that 17 million American adults were honoring the grape boycott.

During the 1974 gubernatorial campaign, Brown pledged to seek enactment of a law granting farm workers secret ballot elections. He kept that pledge, and the compromise I have described was the result. Under intense pressure from supermarket executives, who wanted relief from the boycott, the growers joined me in solemnly promising not to push changes in the law, and it was quickly passed by the Legislature.

Afterward, our union recruited and trained hundreds of volunteer farm worker organizers and staged a 1,000-mile walk across the state to bring news of the law to the workers, and to inform them of their newly won rights. We also prepared to document the unfair labor practices that the grower-Teamster alliance had taught us to anticipate.

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Initially, the Agricultural Labor Relations Board established by the new law was unable to contend with the sheer number of elections and the attendant avalanche of unfair labor practices charges. But with a task force of criminal attorneys and investigators appointed by Brown to supplement its staff, the board's administration and enforcement improved.

Everyone was surprised that our union won the great majority of elections. After all, most of the voting occurred at ranches with Teamster contracts, and it is nearly impossible to overcome an employer and an "inside" union when they work together; even some of our labor allies predicted that we would win only 25% of the elections. But of the 327 elections decided so far, the UFW has won 204, and represents 68.8% of the workers involved.

In the Imperial Valley, where the final balloting occurred, the UFW took 16 out of 22 certified elections by winning 4,349 of the 5,004 total. Obviously, our momentum was building—but then the ALRB ran out of money. Thus, few elections have been certified, and even fewer contracts signed.

A cynical legislative minority of Republicans and rural Democrats blocked the board's funds. Apparently frightened by the Imperial Valley returns, the growers, whose interests these legislators represent, decided to seek an end to UFW victories by demanding major changes in the law before additional money could be approved.

Among the amendments pushed by the growers is one which would deny migrant workers the vote by extending the period between the filing of an election petition and the final balloting from 7 to 21 days. (Most migrants do not spend that length of time on one farm.) Another change would deny the UFW the right to talk with workers in the fields during nonworking hours. (That right has already been upheld by the California Supreme Court, and this week U.S. Supreme Court Justice William H. Rehnquist refused to stay the ruling.)

Agribusiness does not have the simple majority in the Legislature required to change the Agricultural Labor Relations Act itself. But since the ALRB's funding must be approved by two-thirds of the legislators, the growers can deny the board the money it needs by controlling a minority of the votes. In this fashion, a legislative minority can use perfectly legal means to deny voting rights to the poorest of the poor in our society.

Even if the current funding proposal were passed, it has been so slashed by the cynical minority that the ALRB says it would not have enough money to reopen its regional offices or conduct elections. Worse still, the growers vow to fight ALRB funding in the governor's next budget and to oppose any appropriations for elections until their demands are met. Given their way, the growers will pick at the law like vultures on a carcass until nothing is left but a skeleton.

We have hoped, prayed and waited for the Legislature to act. Finally, we decided to bypass the politicians in Sacramento and go directly to the people of California to ask them to guarantee farm workers the right to vote. This appeal will take the form of an initiative, to make the Agricultural Labor Relations Act safe from unscrupulous tampering.

The Farm Worker Initiative will make only a few changes in the existing law. The right of field access before and after work and at lunch breaks, already upheld by the California Supreme Court, will be formally added to the statute. After all, the growers do not oppose

access, since they permit the Teamsters as much as that union wants. Only when our union tries to communicate with workers do the employers cry foul.

The new ALRA would also furnish parties to the election an employer-supplied list of eligible voters. Under the current law, we have been forced to participate in elections in which the identities of eligible voters were uncertain. Finally, our law would assess treble damages against growers convicted of unfair labor practices.

Our immediate goal is to qualify the initiative for the Nov. 2 ballot by gathering the valid signatures of 350,000 registered voters. Hundreds of volunteers are now working to do just that.

The Farm Worker Initiative campaign will be difficult and expensive—expensive for the growers, who will spend millions to defeat it; difficult for the farm workers, who will sacrifice themselves and their time. But the growers have money, and we have time. We will match their millions with our bodies, our spirits and the goodwill of the people of this state.

California is the most populous, richest member of the Union, the Golden State. But it is not yet strong enough to guarantee all of its people the most sacred American right—the right to vote. The Farm Worker Initiative asks the people of California to insure that those who labor in our fields are never again deprived of the right to determine their own fate.