



WHY BOYCOTT GRAPES?

by Pat Hoffman

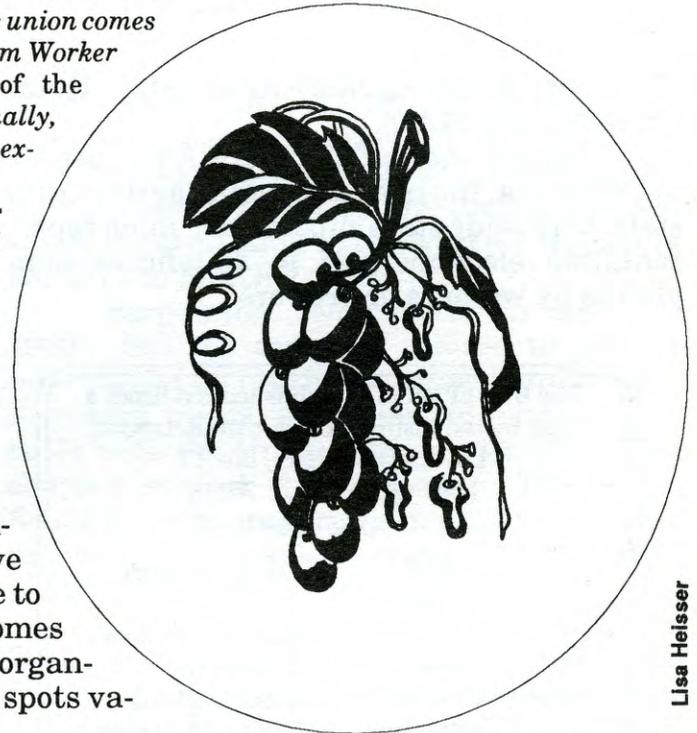
Pat Hoffman's intimate knowledge of the farm workers union comes from nearly a decade of working on the staff of the National Farm Worker Ministry. She has authored a book entitled Ministry of the Dispossessed based on her experience at the Ministry. Additionally, she writes on issues surrounding the grape boycott, first-hand experiences in Nicaragua, and the economics of the arms race.

Editors' Note: Cesar Chavez's recent 36-day, water-only fast has reignited concern for the farm workers' struggle for justice. Many people may remember an earlier grape boycott raised around similar concerns. Although many of the issues remain the same, several alarming new developments have increased the urgency of need for reform.

Perhaps most outrageous is the fact that thousands of grape workers have voted for union representation to no avail. Many other farm workers have similarly been unable to achieve representation. Due to factors inherent in migratory, seasonal work, it becomes difficult to maintain a strike force and, even if one is organized, many unorganized workers are available to fill spots vacated by striking workers, often for lower wages.

Further illustrating the hate and mistrust that emanates from those opposed to the boycott is an incident involving Dolores Huerta, first vice-president of the United Farm Workers, at a recent demonstration in San Francisco. She was beaten so badly by police officers sent to "protect the peace" that emergency surgery was required that evening to remove her damaged spleen and repair broken ribs. Her assailants were videotaped in the process of beating her and a suit is currently in process.

Support for the boycott is imperative not only for achievement of the rights of farm workers, but also for the health of consumers purchasing grapes. Harmful pesticides used in grape production endanger both farm workers and consumers. In hopes of providing information about the grape boycott, Pat Hoffman has compiled the following answers to the most commonly asked questions concerning the boycott. Readers are encouraged to use this information when speaking to friends and groups concerned about social justice.



Lisa Heisser

Why is there another Grape Boycott?

Twenty-five years after the farm workers began organizing, the United Farm Workers (UFW) have 80 contracts covering 25,000 workers. Thousands more need protection.

Agribusiness is using every means possible to fight unionization of farm workers. Yet farm workers without contracts labor under the worst conditions of any workers in the country with low wages, lack of sanitary facilities, inhuman treatment, and daily exposure to deadly pesticides.

Farm workers have been denied most legal protections, such as federal minimum wage and federal health and safety laws. The few protections which do apply to farm workers, mainly at the state level, are frequently unenforced.

The gains which have been made for farm workers have come after boycott pressure from both the United Farm Workers' union and consumers.

What about the Agricultural Labor Relations Act (ALRA)?

In 1975 the landmark ALRA was passed in California, the nation's leading agricultural state, to provide state supervised, union representation elections and to adjudicate complaints by workers or growers.

The UFW won 205 secret ballot elections in the first five months after enactment. But California growers sought to destroy its effectiveness through cuts in funding and amendments.

In 1982 Democratic Governor Edmund (Jerry) Brown, Jr., was replaced in California by Republican George Deukmejian. Deukmejian was put in office with heavy financial backing of the state's growers. Shortly after taking office, Deukmejian appointed a former grower attorney, David Stirling, as General Counsel to the Agricultural Labor Relations Board (ALRB). Then he cut 27% from the ALRB's budget, forcing staff reductions affecting supervision of elections and adjudication of worker complaints.

The UFW continued organizing, holding, and winning many elections. But it was nearly impossible to have the free and fair elections promised by the law.

Why doesn't the UFW just organize workers and have union representation elections?

The growers' opposition to unionization has made it difficult to have elections free of fear and intimidation. Even under a sympathetic governor it was difficult. The Union's complaints of unfair labor practices have ranged from threats of job dismissal, to firings, physical intimidation, beatings and murder.

An example of complaints filed is the case from the 1977 election campaign at the Harry Carian Ranch in the Coachella Valley of California. The son of the owner directly violated the Act when he pushed a UFW organizer's car off the road with his tractor; attempted to assault Cesar Chavez while he spoke to workers during their lunch break; threw objects at UFW organizers' cars; and assaulted UFW organizer Fred Ross, Jr., on the day of the election. These actions took place in front of workers. In addition, the company laid off 35 pro-UFW employees and fired the most active supporters. Other workers were threatened with discharge and promised an increase in wages and benefits by the company.

The ALRB found that the company's actions were in violation of the Act. On August 23, 1985, the State Supreme Court upheld the Board's decision. Eleven years later there has been no compensation to the workers who were illegally fired.

In September of 1983, Rene Lopez, a 21

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<i>Publisher</i>	David W. Marr
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Erica B. Bynum	Adrienne B. Fox
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year old, farm worker, was fatally wounded after voting in a state supervised ballot election at the Sikkema Dairy Ranch. The UFW charged that Lopez was shot by the brother-in-law of owner, Ralph Sikkema and an accomplice, Donato Estrada. Lopez and his family lived on company property and had worked at the ranch for over a decade. General Counsel Stirling refused to investigate the charge and dismissed it on the basis of lack of evidence.

After the killing of Lopez, the security guards at the Sikkema Ranch began carrying billy clubs, rifles, pistols, and shot guns. The UFW requested that the General Counsel go into court to get an injunction against carrying such weapons. The General Counsel refused. The UFW then went to court and requested the injunction, which was subsequently granted.

Though General Counsel Stirling dismissed the UFW's charges in Lopez's death as based on lack of evidence, the courts did find Donato Estrada guilty. He is now in jail.

Of the ten Sikkema Dairy workers, eight voted for the UFW, one for "no union," and there was one challenged vote. Five years later, there is still no union contract.

Why does the UFW have so few contracts after all this time?

The UFW has 80 contracts, mostly in tree fruit, wine grapes, and vegetables. There are about 25,000 dues paying members. In the fall of 1978 the farm workers had contracts with more than 135 growers covering approximately 35,000 workers in four states.

But grower resistance has been great. In addition to the problems of holding free and fair elections, after contracts have been signed some companies have avoided compliance by reorganizing under a new company name with all the same people in charge.

The Growers' Exchange, a large vegetable company in the Salinas and Imperial Valleys, is an example of reorganization to avoid a Union contract. In 1980 they signed a contract with the UFW. Subsequently, they closed their operation on the books, but continued farming in the same locations, with the same equipment, the same foremen, the same owners, but under different company names and with several hundred Union workers locked-out.

The UFW filed a complaint with the ALRB. As of this writing, eight years after a contract was signed, there has been no hear-

ing. The owners continue to run their business and the several hundred workers are uncompensated for their illegal and unjust firing.

Frequently when elections are won they do not result in contracts. Employers have become expert at stalling at the bargaining table. The Act's "make-whole remedy" which is supposed to remedy bad faith bargaining, has yet to be applied and is being dismantled completely by Governor Deukmejian's appointees.

In October 1975, grape workers at the

"...some companies have avoided compliance by reorganizing under a new company name with all the same people in charge."

Robert Hickam ranch voted 56 to 37 for the UFW. In July 1977, the ALRB certified the UFW as the bargaining agent for the grape workers. The company refused to bargain. The ALRB found the company's refusal to be unreasonable and in bad faith and awarded make-whole compensation to the workers from July 23, 1977 to March 2, 1980.

Bargaining commenced on April 3, 1980. But the company refused to provide information on ranch operations, unilaterally increased wages, and failed to bargain seriously with the Union. Again, the UFW filed charges against the company. The ALRB found the company in bad faith and awarded make-whole compensation from March 3, 1980 to March 11, 1981.

In June 1981 the Union filed a third bad faith bargaining charge. The ALRB again found the company in bad faith by unilaterally eliminating hourly grape vine pruning, granting unilateral wage increases, and failing to and refusing to bargain in good faith. The ALRB awarded make-whole compensation from June 1, 1981 to the present. The company has bargained in bad faith for seven years and no make-whole compensation has been paid for any of the three judgments.

Do farm workers want the UFW to represent them?

Eighty-three percent of California farm workers questioned in an Indiana University-

Purdue University study support the United Farm Workers union, believe the UFW has improved their lives, and would support the Union in a representation election. The study, conducted in 1984, surveyed 195 farm workers in two agricultural counties.

Many workers who have lost their union

"Thousands of grape workers have voted for the UFW but have never gained a contract because of grape industry resistance."

contracts continue to pay their union dues and to support the UFW. A group of sixty such workers in the Coachella Valley met with the Board of the National Farm Worker Ministry in May 1988. They reported to the Board that following expiration of their UFW contracts the growers in Coachella stopped paying hourly wages and returned to the old piece-rate method. Workers who had been earning about \$40.00 a day were now making \$10.00 to \$15.00 daily. They complained of pesticide poisonings. They spoke of speed-ups where there isn't time even for a drink of water or to use the restroom in addition to other indignities.

During Cesar Chavez's 36-day fast, nightly masses were held at the Union's Forty Acres in Delano, California. Hundreds of farm workers attended the masses. Seven thousand came to worship with Chavez when he ended his fast. Eighty percent or more were farm workers. A huge tent had to be set up to accommodate all the workers who came that Sunday.

Why is the UFW targetting grape growers?

Thousands of grape workers have voted for the UFW but have never gained a contract because of grape industry resistance.

Grape workers have sacrificed more than any other group of farm workers. They began the struggle for unionization of farm workers in 1965. Over the years they lost jobs, homes, cars. They traveled to unfamiliar cities to promote the boycott. They spent days and years standing in front of supermarkets asking people to help them by not buying grapes.

These workers deserve the benefits and protections of union contracts.

The UFW cannot ignore that it is the grape growers who have led the fight against unionization of farm workers. Table grape growers resisted negotiations with their workers for five years before the first contracts were signed in 1970. Then in 1973, grape growers signed "sweetheart" contracts with the Teamsters to avoid renegotiating contracts with the UFW. The table grape industry hired the Dolphin Group, a conservative public relations firm in Los Angeles, to defeat a farm worker initiative. Their media blitz falsely convinced California voters that an initiative to guarantee farm workers free and fair elections would threaten property rights. (Readers may find that incredible, but it's true.) The UFW must break through the barrier erected by the table grape industry in order to securely represent farm workers in other crops and other parts of the country.

Is the pesticide issue a phony one to try and win public support for the UFW's boycott?

The UFW has always been concerned about pesticides. Contracts which were signed in 1967, banned DDT, dieldren, and aldrin. Later, the federal government banned their use also.

Pesticides are a serious threat to farm workers who have daily exposure to a variety of deadly chemicals. According to the US Department of Labor, farm workers have the highest rate of toxic chemical injuries among occupational groups in the nation. In California, the

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nation's leading agricultural state, pesticides are the major single cause of occupational illness. Even more distressing is that only about 1% of the pesticide poisonings of farm workers are reported. Reports are most likely to be made when a whole crew is poisoned.

Pesticides is the broad term used for insecticides, herbicides, fungicides, and other chemicals used to combat pests. Workers and their families suffer from both acute and chronic effects of exposure to these chemicals. Government regulations for worker protection are unevenly and inadequately enforced. The UFW has insisted on ranch-by-ranch enforcement through contract provisions, in which workers themselves are given power to get the protection and the information they need.

An example of inadequate enforcement in cases of acute poisoning occurred during the first week of August 1987. Twenty-seven farm workers from the H.P. Metzler farm in California's central agricultural valley were treated for pesticide poisoning, according to Jim Wells of the California Department of Food and Agriculture (CDFA). Three previous poisoning incidents at the same farm were also under investigation at that time.

By October 1987, the company was found guilty of illegal practices involving spraying toxins without required prior notice, failing to obtain a use report for restricted pesticides, using pesticides without following label requirements, and improperly posting signs that warn workers of danger from chemicals. For these violations the company was fined a total of only \$250 by the CDFA.

Months later some of the Metzler workers were still suffering from skin poisoning. The workers exhibited acute symptoms of pesticide poisoning, which can include rashes, dizziness, nausea, eye irritation, and respiratory problems.

Workers worry about chronic effects such as cancer, birth defects, stillbirths, and miscarriages. It is difficult to determine the causes of these problems because they may take three or more years to show up. But some pesticides in current approved use are known carcinogens, teratogens (cause birth defects), and mutagens (cause changes in DNA).

The UFW has called for a ban on five of the most dangerous pesticides used in growing grapes. They are Captan, Parathion, Phosdrin, Dinoseb, and Methyl Bromide. These names do not mean much to the average

person, and, in fact, are hard to remember. But these chemicals are familiar to farm workers.

For example, Captan is a widely-used fungicide identified as a carcinogen, teratogen, and mutagen. In a recent report to the Maryland State Legislature, Dr. Marion Moses, a specialist in Occupational Medicine, said of Captan, "Because it is not *acutely* toxic, that is, it does not cause immediate and obvious harm, it has been considered to be a 'safe' pesticide. However, chemicals such as Captan may be the



Lisa Heisser

most hazardous of all in terms of chronic effects such as cancer and birth defects."

She went on to tell about Felipe Franco who was born without arms or legs. "(His) mother worked during the first three months of pregnancy picking grapes known to have been sprayed with teratogenic pesticides. Captan, which is one of the pesticides she may have been exposed to, is structurally similar to thalidomide, the drug that caused thousands of infants in Europe to be born without arms and legs."

Felipe's mother, Ramona, says she was told by foremen and growers that the pesticides around her were safe, that they were harmless medicine for the plants.

The Environmental Protection Agency (EPA), which regulates pesticides, makes judgments weighing acceptable risks against agricultural benefits. Felipe is now seven and gets around in an electric wheelchair. He attends a school for handicapped children. It's doubtful

that he or his parents believe his living without arms or legs was an "acceptable risk." He just received \$800,000 in an out-of-court settlement from Chevron and Stauffer chemical companies.

Farm workers and their children have been seriously affected by the increased use of pesticides. Now they are warning consumers of the dangers of pesticide residues on our foods.

How about the organic grapes at Co-ops and Farmers' Markets?

"Organic" grapes are being sold in consumer conscious co-ops and farmers' markets. They are frequently Thompson seedless grapes with the label "Normandie" from a large Delano area grower by the name of Pavich. These may be the best grapes available for consumers. But they are not good for farm workers.

Pavich uses a fumigant called methyl bromide which is injected into the soil. Methyl bromide is one of the five pesticides the UFW is insisting be banned. It has caused more occupational deaths than any other single pesticide in the state of California.

Pavich is proud of his limited use of pesticides. But his labor practices are dehumanizing and unjust. He has farms in both California and Arizona. Workers have reported that if they want to work at his ranch in California, they must travel to Arizona to work his grapes there.

In the spring of 1988, Pavich promised \$5 an hour to the workers going to Arizona. They ended up being paid seven cents a vine and then five cents a vine, which came out to about \$3.40 an hour for steady work. Eight dollars a night was deducted from their paychecks for staying in filthy living conditions at

the Pavich farm labor camp.

How about supermarket produce which has been certified organic?

Some supermarkets are advertising grapes certified organic by an independent, commercial, for-profit business called Nutri-clean. This company is hired by growers to test for pesticide residues. The grower identifies the pesticides to be tested for and there is no outside review of methods used or outcome.

Dr. Marion Moses said, concerning Nutri-clean, "Not all the pesticides that could potentially be found on a particular crop (those pesticides that are legally registered with the EPA) are tested for." She went on to say, "It is misleading to tell the consumer that the certified produce is 'pesticide free,' when in reality it can only be stated with certainty that it is free of the pesticides it was tested for, within the limits of detection of the method used. To my knowledge, there is no program anywhere in the country, private or public, that tests on a regular basis for all pesticide residues in any food."

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TO DO ...

How can people help achieve justice for farm workers and pesticide free food for consumers?

1. Don't buy grapes and do mention the boycott to others who are buying and serving grapes.
2. Ask the manager at your local store to stop selling grapes.
3. Send for the powerful, 14-minute "The Wrath of Grapes" video. It can be obtained free from the United Farm Workers, P.O. Box 62, Keene, CA 93531. A contribution will help the Union continue its work.
4. Organize a chain of fasts in your community. Announce these fasts to the press in front of a supermarket that sells grapes.
5. Phone the UFW at (805) 822-5571 or write them at P.O. Box 62, Keene, CA 93531 for suggestions and materials.

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by Pat Hoffman

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