

# EL MALCRIADITO

The Voice of the Los Angeles Boycott

Vol. 1, No. 2 April 15, 1975



## AB-1, NLRA Amendments Proposed

In both Sacramento and the nation's capital, proposals have been introduced that would profoundly affect the entire future of union organization among farm workers, including AB-1, now before the California legislature.

Assemblyman Richard Alatorre is amending this bill and a summary of the amended AB-1 has been prepared by Wayne (Chris) Hartmire of the National Farm Worker Ministry. A copy of his analysis is included as an insert in this newsletter.

Readers are urged to study this material carefully and do everything possible to support AB-1, possibly the most comprehensive farm labor bill ever introduced anywhere. We will be keeping you informed as the legislative battle develops in Sacramento and will suggest further actions needed as the bill moves through committee. It is not too early to start communicating with your state representatives.

In sharp contrast with the serious approach of AB-1 is a proposal recently introduced in the U.S. Senate. Against the will of America's farm workers, and over the protest of the United Farm Workers Union, Sen. John Tunney has reintroduced a one line bill which would simply remove the exclusion of farm workers from coverage by the National Labor Relations Act. The whole bill is so short that the E. and J. Gallo company has turned it into a leaflet urging its passage!

Sen. Tunney, ask yourself: What sort of law would the Gallos support? One that would guarantee workers the full right to organize, or one that would make organization more

difficult? Knowing that the Gallo company has fought against free elections at its own ranches, Sen. Tunney, you must surely know that this bill is not going to serve to liberate the workers.

In fact, the bill introduced by Sen. Tunney would bless the illicit marriage which exists at the Gallo ranch and at the other grape and lettuce ranches where sweetheart deals have been arranged. Only the Alatorre bill would permit a divorce procedure if the farm workers want it. Therefore, we must conclude that Sen. Tunney is dancing to the tune of the Teamsters and the Gallo-Grape-Lettuce Orchestra.

John, the farm labor matter is much more complex than your simplistic one-line bill, S. 285. Withdraw it, and listen, just this once, to the voice of the farm workers. If you are not willing to do that, then drop those phony wrappings of liberalism with which you encase yourself.



### Amended AB-1 to be Discussed

On Sunday, May 4, from 6 to 8 p.m., a "Conversation with Jerry Cohen" will be held at United University Church on the USC campus. Cohen, chief counsel of the UFW, will focus on the new amendments to AB-1. The Church is located at 817 W. 34th St., near Jefferson and Hoover. Ample parking is available on Sunday evening.



## New UFW Film Premiered Here

In an enthusiastic demonstration of support for La Huelga, hundreds of Los Angelinos answered the invitation of Cesar Chavez April 16 for a \$100 per guest fund-raising dinner at the Sportsmen's Lodge in Studio City.

Coinciding with the second anniversary of the launching of the historic grape strike in the Coachella Valley, the dinner program featured the premiere showing of "Fighting For Our Lives," the UFW's new film that documents in an unforgettable way the bravery and brutality of the summer of 1973.

Joining the UFW's president were elected officials from city, county, state and federal governments, officers and members from scores of labor organizations, religious leaders, screen and television notables and prominent citizens in the arts, professions and business.

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## Area Film Showings

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For information or reservations please call 381-1136.

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During the five month period of the filming, photographer/editor Glen Percy and soundman Cres Fraley had to battle the torrid temperatures of the Coachella and San Joaquin valleys and try, at the same time, to cool the hostility of Teamster goons and sheriffs' deputies who rankled under the ever-watchful eye of the camera.



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"Fighting For Our Lives" is a production of the Farm Workers Fund administered by the National Farm Workers Service Center, Inc.

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## Reader Speaks Out

Letters Department  
TV GUIDE

You do a great disservice to your millions of readers by publishing examples of gross misinformation as though they were true ("As We See It," March 22). The fact that an editorial is a private opinion does not give a publisher the journalistic license to print mis-statements of truth.

It is simply not true that the United Farm Workers "recently lost an election to the Teamsters for the right to represent workers at the Gallo Winery." No such election has ever been held, as Ernest Gallo freely acknowledged in an interview published in the *New York Times* on February 10, 1975.

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As for your comment, "Let Mr. Chavez mind his own union," that is exactly what he is doing in challenging Gallo's underhanded advertising practices....

David and Carol Thrift

**Boycott Gallo!**

There will be a major push for farm labor legislation in California this year. Six collective bargaining bills have been introduced so far: AB-1 (Alatorre, D-LA), AB-159 (Maddy, R-Fresno), AB-393 (Mobley, R-Fresno), SB-205 (Rodda, D-Sacramento), SB-239 (Way, R-Exeter), SB-308 (Zenovich, D-Fresno). AB-159 is supported by the Teamsters Union and the Farm Bureau. Hearings on the Senate Bills will begin in mid-April in the Senate Industrial Relations Com.: Zenovich, Chn. (D-Fresno), Robbins (D-N. Hollywood), Cusanovich (R-Woodland Hills), Presley (D-Riverside), Rodda (D-Sacr'to), Russell (R-Glendale), Stull (R-Escondido).

SUMMARY OF ASSEMBLY BILL 1

Assembly Bill 1 has been amended by its author, Richard Alatorre, to speed up secret ballot election procedures, to protect farm workers from the unconstitutional decisions of rural judges and to ensure that unfair labor practices and unfair election practices will be quickly and effectively remedied.

In its amended form, AB-1 establishes a 3 person Agricultural Workers Board. (Section 1143) The members, who are called judges, will be appointed by the Governor with the advice and consent of the Senate. The Board will have the authority to hold elections, certify the results of elections, issue injunctions in cases of labor disputes and establish civil penalties against persons or organizations that violate the laws and regulations of the state relating to agricultural labor relations. The Board also has the authority to investigate strikes and certify that a union represents the workers if the Board finds that a majority of the workers have chosen to join in a recognition strike. (Section 1149.6)

Much of the day-to-day work of the Board will be carried on by Regional Councils in four areas of the state. (Section 1143.2) The decisions of the Regional Councils can be appealed to the Board. AB-1 will also establish the office of General Counsel for Agricultural Labor in the State Division of Industrial Relations. (Section 1144) The General Counsel will have the power to bring charges against persons or groups who violate the law. The Regional Councils and the Agricultural Workers' Board will determine the validity of such charges.

AB-1 establishes ground rules for elections, including the following:

- 1) Petitions for an election must be filed at a time when at least 50% of the number of workers employed during the peak season are actually at work on the farm. (Section 1149.1a) (If Ranch A has a peak work force of 100, then the petition must be filed when at least 50 workers are on the job.)
- 2) A petition for an election must be signed by a majority of the workers. (Section 1149.1c) (In the case of Ranch A, if there are 60 workers employed at the time of the petition, 31 or more must request an election.)
- 3) If a valid petition is filed then the Board (through its Regional Council) must hold an election within 5 days. (Section 1149.1c)
- 4) Challenges to the petition process and the election will be heard after the election. If the Board finds a "substantial and material" challenge to the election then a rerun election must be held within 21 days of the original election. (Section 1149.5b)
- 5) If a union receives a majority of the votes cast, the Board will certify that union as the exclusive bargaining representative for the workers for 12 months. (Sec. 1149.2f) If there are three or more choices on the ballot (e.g., Teamsters, UFW, No Union) and none receives a majority then there will be a run-off election. (Section 1149.2g)
- 6) Workers can petition to hold an election to decertify a union that "represents them" if the contract with the employer was signed without an authorized union representation procedure. (Section 1149.1c)

- 7) If a union is certified as the representative of the workers, the employer is obligated to bargain in good faith with that union. (Section 1149.7)

### ISSUES

AB-1 is the only bill that comes out of the experience of farm workers who have been working for 10 years to build their own union. AB-1 is written to deal with the specific, down-to-earth issues that farm workers face as they try to organize in an industry that is hostile to their union. (The experience of the Teamsters is not relevant in this matter: they have not organized farm workers, led them on strikes and boycotts and tried to win against grower resistance. The Teamsters have not tried to represent farm workers; they have contracts because the growers have chosen them as an alternative to UFW.)

AB-1 has a number of features that are lacking in the other farm labor bills introduced to date:

- (1) AB-1 provides for expedited elections at the time of year when most workers are on the job. Other bills allow for off-season elections and for hearings and procedural challenges that could delay elections well past the peak work season.
- (2) AB-1 does not invalidate existing contracts but it does give workers under such contracts (UFW or Teamster) an opportunity to vote a union out if that union does not represent them. If the Teamsters genuinely represent the workers - as they claim - they have nothing to fear from this provision.
- (3) AB-1 includes all farm workers in the agricultural bargaining unit. Other bills provide for breaking farm workers into "craft units" (field hands, irrigators, tractor drivers, etc.) for the purposes of elections and collective bargaining. Craft units in agriculture will divide and weaken the work force and will lock into place the kind of racial discrimination that now exists. Black and brown field workers will gain seniority in their craft unit but they will not be able to advance, on the basis of seniority, to better jobs as irrigators, tractor drivers and mechanics.
- (4) AB-1 does not ask that farm workers give up their only effective, economic weapons—the strike and boycott—in order to gain the right to have union representation elections. Farm workers know from hard experience that there is a difference between winning an election and successfully negotiating a strong contract. After winning an election, the difficult give and take bargaining for a contract begins. In contract negotiations farm workers offer to give up the strike and boycott (for the duration of the contract) in return for better wages and working conditions. If the legislature weakens or takes away the strike or boycott, what will farm workers trade in return for strong contract protections?
- (5) AB-1 makes it illegal in California for growers and a union to sign a contract unless there has been a Board-supervised representation procedure. No more sweetheart contracts!
- (6) AB-1 protects farm worker unions from arbitrary, unconstitutional injunctions handed down by rural judges at the request of growers who are faced with strikes and boycotts.
- (7) AB-1 gives the Board (through its Regional Councils) the power to stop unfair election and labor practices quickly enough to prevent these practices from subverting or unduly delaying the election and bargaining process.

Farm labor legislation to protect the rights of farm workers is long overdue. AB-1 comes from farm workers and is carefully written to protect the rights of full-time, seasonal and migrant farm workers.

# Gallo Campaign Under Counter Attack

Box Score as of April 1: 606 stores clean of Gallo!

Due to the mounting effectiveness of the Gallo "Bottles-off" campaign, resistance also mounts from several quarters. For several weeks Gallo salesmen have been counter-picketing at a number of stores in the L.A. area, carrying signs, passing out leaflets and urging passers-by to shop at stores our supporters are picketing.

Not content with this, they have also resorted at times to calling the police in an attempt to use them to harass UFW picketers.



## Chavez Here May 5

Cesar Chavez will be in the Los Angeles area on Monday, May 5, for a whirlwind tour of university campuses. His visit will coincide with the celebration of *Cinco de Mayo* as well as Farm Worker Week, the latter scheduled for observance throughout the United States and Canada May 4-10.

Seeking desperately needed funds for the summer strike campaign, Chavez will appear at five campuses throughout the day: 9:30 a.m.—Cal State University, Northridge; 11:30 a.m.—UCLA; 1:30 p.m.—Loyola University; 4 p.m.—Occidental College; 8 p.m.—University of California at Irvine.

Farm Worker Week will also be observed widely in the Los Angeles area by scores of religious institutions and schools.

Nationally, 10,000 churches and synagogues in 150 towns and metropolitan areas are expected to join in services and special events focused on the needs of America's two million seasonal and migrant farm workers.

Endorsed by the National Council of Churches, the Synagogue Council of America and the U.S. Catholic Conference, Farm Worker Week is coordinated by the National Farm Worker Ministry, with headquarters in Los Angeles.

Ruth Gilbert, president of the NFWM, noted the close association between farm workers and the theme of hunger: "As you consider world-wide hunger, consider the cry for bread and justice that comes from those hungry workers in America who, by their labor and sacrifices, feed all of us and our children."

Where that has failed, they have apparently urged store owners to do the same, or to create some kind of incident that disturbs peaceful, law-abiding efforts.

Anchor Liquors in San Pedro recently has been the scene of such intimidation. On Sunday, March 16, UFW organizer Brian Klar was struck in the face eight times without cause by an assailant who had just entered the store. On the following Tuesday, a volunteer supporter, with whom Klar had lived shortly before this incident, was attacked in his home in a similar fashion by assailants who evidently assumed Klar still lived there.

On Wednesday, March 19 when the Juan De La Cruz Brigade was picketing at Midge's Liquor at the corner of Pico and Hoover, one of its members, Barbara Ortiz, was pressed up against the wall of the store by Gallo salesman Harvey Lewis. Lewis tore up her picket sign and threatened the Brigade with a gang beating. When Manuel Hernandez called police, they came, but arrested Barbara rather than the salesman.

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Gallo salesman, police. — Photo by Linda Rifkin.

## June Housing Needed

Housing is needed for volunteer organizers who will be working this summer for about 10 to 12 weeks from June through August. Provide room and board and some TLC for single people. Contact Sr. Anne Russell at 213/ 386-8130 or the L.A. boycott office.

Cars for organizers are always needed. Can you spare an old but repairable car, preferably one with 4 or 6 cylinders and easy on the gas?

Typewriters for office use would help greatly to reduce the current budget for rentals. Prefer standard electric if possible. For both the NFWM (386-8130) and the L.A. boycott (381-1136).

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