Appeals Court ‘Vindicates’ Cesar Chavez by Voiding Grower’s $3.7 Million Award

The UFW founder died defending the farm workers’ right to boycott lettuce in an Arizona case brought against the union by Bruce Church Inc.
President's Message

‘Building On Strength’
By Arturo S. Rodriguez

E ven as we search out new opportunities for farm workers to win the blessings of union contracts, the UFW is building on strength. New organizing efforts come in the wake of previous successes.

With the recent signing of a union agreement with Pacific Mushroom Co., 67% of the Central Coast mushroom industry is now under UFW contract. When a contract is won at C.P. Meilland Inc., 50% of California’s rose industry will be unionized.

A tremendous financial burden was lifted from the UFW on Feb. 14 when the Arizona Appeals Court threw out a $3.7 million 1993 judgement for Bruce Church Inc. This victory was also a vindication for Cesar Chavez, who died defending the farm workers in this case.

With front-page features in the Los Angeles Times and Wall Street Journal—and a major segment on CNN—UFW victories have been spotlighted by a string of the most favorable national news coverage in the last 20 years.

Even passage of legislation in Sacramento allowing continued use of the deadly pesticide methyl bromide represents a victory of sorts for the union. Helping lead the fight against this toxic soil fumigant clearly demonstrated once again to farm workers and our allies in the environmental movement that the UFW is still battling dangerous poisons that threaten both workers and consumers.

Much more remains to be done. But these recent gains underscore a basic truth: Cesar Chavez is more than an icon whose moral authority still inspires millions of people. Nothing the UFW does today would be possible without the foundation he established. We are making progress in 1996 by practicing what Cesar Chavez taught us.

‘Triumph’ Over BCI Judgement Vindicates Cesar Chavez

In “a triumph” for the United Farm Workers and “a vindication” for Cesar Chavez, the Arizona Court of Appeals overturned a $2.9 million judgement against the UFW won in 1993 by the agribusiness giant Bruce Church Inc. (BCI). With interest, the sum had grown to $3.7 million. The Feb. 14 ruling was the best Valentine’s Day present possible for farm workers, says Arturo Rodriguez, Cesar’s successor as UFW president.

The union founder died on April 23, 1993 at age 66 during the trial in Yuma, Ariz. after two days of grueling questioning by BCI lawyers. “Cesar gave his last ounce of strength defending the farm workers in this case,” states Rodriguez. “He died standing up for their First Amendment right to speak out for themselves.”

The Appeals Court decision also “lifts a tremendous financial burden from the UFW at a time when the union is enjoying tremendous success in its new field organizing and contract negotiating campaign,” Rodriguez adds.

A host of arguments were presented on the union’s behalf by a team of attorneys led by appellate litigator Paul Ulrich.

Yuma trial Judge Joseph D. Howe refused to grant a mistrial after the farm labor leader’s death, even though Cesar never had a chance to tell the farm workers’ side of the story.

An earlier 1988 $5.4 million jury award for BCI had been rejected by
Coming to the UFW's aid were the Intl. Brotherhood of Electrical Workers, UNITE, Communication Workers of America, United Mine Workers, Intl. Assn. of Machinists, American Federation of State, County and Municipal Employees, Service Employees Intl. Union and the United Auto Workers.

"Support from labor allowed the farm workers to mount their successful appeal," the UFW's Rodriguez observes.

Cesar Chavez "believed in his heart that the farm workers were right in boycotting Bruce Church lettuce during the 1980s," Rodriguez continues, "and he was determined to prove that in court."

Before that could happen, Cesar died in the simple concrete-block home of a farm worker friend where he was staying. Death came about 25 miles from the small farm near Yuma where he was born in 1927.

February's court of Appeals decision was "a triumph for the United Farm Workers and a vindication of Cesar Chavez," Rodriguez declares.

Numerous other trial errors included the judge's failure to exclude obviously prejudiced jurors and letting a bailiff relate to jurors highly-prejudiced comments about the UFW.

This year's Appeals Court judgement overturning the second BCI award cited improper jury instructions from the judge. In its appeal, the union stated that the trial judge told jurors they could find the farm workers' 1980s boycott of BCI lettuce unlawful regardless of the truth or falsity of the UFW's claims. The Appeals Court agreed with the union that Judge Howe's jury instructions were improper.

Based on the judge's instructions, nine out of 12 jurors found for BCI. If one more juror had stood with the farm workers, UFW trial attorney Mike Aguirre would have won the case despite Howe's misconduct.

The state Appeals Court because the company based its claim on alleged UFW violations of Arizona's law banning farm worker boycotts. Yet no boycott activity took place in Arizona, so the Arizona appellate court ruled BCI couldn't sue the union for activities that occurred in other states.

After the 1988 judgement for BCI was invalidated, the case was returned for retrial in Yuma on the sole remaining grower claim that the UFW's boycott interfered with company business relations. Nevertheless, Judge Howe in 1993 allowed BCI to reintroduce all the evidence of UFW boycotts in other states that the Appeals Court had earlier ruled inadmissible. (Instead of suing the union in California, New York or other places where the boycott took place, the giant lettuce producer essentially "shopped around" for a "friendly" court. It found one in agribusiness-dominated Yuma.)

"A tremendous disservice to farm workers was committed when BCI first filed suit in Yuma, claiming that a UFW lettuce boycott—which didn't even take place in Arizona—violated Arizona's anti-boycott law," Rodriguez remarked in 1993. "Farm workers should never have been forced to defend our First Amendment free speech rights."

Still, the UFW was compelled to do so. The national AFL-CIO and a number of its affiliated unions pledged to cover the multi-million dollar judgement in the event the UFW lost the appeal.

At issue in the BCI lawsuit is the right of farm workers and consumers to boycott lettuce and other products. (Photo courtesy of Labor and Urban Affairs Archives at Wayne State University.)

Carrying the casket of the UFW founder who died defending the farm workers from Bruce Church Inc.'s lawsuit.
Organizing

Gains Scored Organizing California Rose Workers

A key union strategy pioneered by Cesar Chavez is boosting farm worker wages and benefits by organizing targeted companies in the same crop.

Winning elections and negotiating United Farm Workers contracts with many growers in an industry creates "a level playing field" so employers can't compete with each other based on labor costs. That way, unionized companies aren't at a competitive disadvantage with non-union ranches in the same crop and region.

The UFW has employed this strategy—now called the Industry Organizing Contract Campaign—since the late 1960s. It is a mainstay of the union's current organizing efforts. For example, the UFW presently represents workers in 67% of the mushroom industry on the Central California Coast.

When Kern County farm workers at C.P. Meilland Inc. win a union contract, the UFW will protect 50% of workers in the state's rose industry. The union won its 13th straight secret ballot election in 21 months when Meilland's 350 rose workers voted for the UFW April 1996.
Farm workers and their families from three Kern County rose companies are demanding that Meilland bargain in good faith for a UFW contract.

Joining UFW President Arturo Rodriguez on the picketline was former Meilland worker Irma Morales, who has filed charges against the company with California’s Department of Fair Employment and Housing for sexual harassment.

Since the election, Meilland owner John Hutton has laid off 20 workers for supporting the union and filed what company farm workers describe as frivolous objections to the election. An ALRB hearing on the rose firm’s objections was recently held in Visalia.

On March 13, an ALRB investigative hearing examiner dismissed Meilland’s objections to the election, which means the company will soon be legally obligated to bargain with the UFW. Meilland lawyers had not followed up their oral arguments on election objections with a written brief. That produced speculation that the company may have been affected by negative media coverage and active campaigning by farm workers.

Among news organizations covering the Feb. 13 protest in Shafter were a Cable News Network (CNN) crew that came up from Los Angeles as well as local CBS and Univision television network affiliates. An earlier Meilland picket line was also featured in a Feb. 17 front-page story in the Los Angeles Times.

Some of the 400 grimly-determined VCNM Farms strawberry workers who struck the Salinas company last Aug. 15. Now their employer is breaking the law to avoid negotiating for a union contract.

Vegetable and Strawberry Workers Demand Contracts

Mushroom workers on Monterey Bay have won a renegotiated union agreement while strawberry workers in nearby Salinas and vegetable workers in distant Lamont are still battling non-violently for UFW contracts.

Pacific Mushroom Farms. A renewed three-year agreement with this Campbells Soup Co. subsidiary was signed last November. The model contract marks 17 years of cooperation between Pacific Mushroom and its 320 farm workers.

It makes Pacific employees the highest-paid mushroom workers in the nation. The pact also includes paid holidays and vacations, medical and pension plans as well as guarantees for a safe work environment. The UFW now represents 67% of mushroom workers on the Central California Coast.

The union has issued a special appeal for its supporters to buy Campbells’ mushroom soup.

Muranaka Farms Inc. This vegetable grower based in Moorpark, on the Pacific coast near Oxnard, employs 120 workers under UFW con-
Above and right: Muranaka Farms Inc. onion workers laboring in a field near Lamont. An arbitrator ruled they are protected under an existing UFW contract with the Moorpark, Calif.-based grower.

for discussion are wage rates and benefits for the Lamont onion workers.

VCNM Farms. Assistant ALRB General Counsel Eugene Cardenas and UFW attorney Mary Mecartney are prosecuting the case against this strawberry producer that disced under about one-quarter of its strawberries. On Aug. 21, the company disced under about one-quarter of its strawberries.

Last September, the anti-union company notified the UFW that it was going out of business. That prompted nearly two dozen more charges filed by the union with the ALRB. They include charges of a fraudulent "corporate reshuffling scheme" by VCNM to avoid bargaining with its strawberry workers and threats to blacklist UFW activists.

The new charges are still being investigated by the ALRB.
Strawberries Can Still Get Deadly Poison Methyl Bromide

The soil fumigant methyl bromide will continue to be used on high-value California cash crops such as strawberries despite a bitter showdown in the California Legislature over this deadly pesticide that was triggered by the UFW.

A bill to allow continued application of the poison succeeded because of massive lobbying by agribusiness and chemical interests. That move “will come back to haunt lawmakers who backed methyl bromide,” states UFW President Arturo Rodriguez. “When the science behind this poison is fully examined every lawmaker who voted for [the] legislation will have to justify how he or she allowed further use of methyl bromide when alternatives were available for most uses.”

A 1984 California law required that methyl bromide be eliminated after March 30, 1996 unless studies on its toxicity were completed. Lobbyists for growers and chemical manufacturers began working last year to extend the deadline, even though birth defect studies are not finished. UFW First Vice President Dolores Huerta personally stopped two bills last summer in the state Assembly, forcing a desperate bid to bail out methyl bromide this year. Dozens of farm workers travelled to the state Capitol in Sacramento to lobby lawmakers and hear Huerta testify.

Methyl bromide is a colorless, odorless gas that is injected into the soil to kill pests. It cannot be disputed that methyl bromide damages the brain and nervous systems, causes birth defects in animals, has injured many farm workers and has poisoned neighborhoods near treated fields.

The UFW’s Dolores Huerta at a meeting in Oakland organizing opposition to methyl bromide. Right is Rev. Bill O’Donnell of St. Joseph the Workman Catholic Church.

All 18 reported California deaths involving methyl bromide from 1982 to 1993 were from fumigating structures for bugs. Yet structural applications only account for 5% of methyl bromide use; 90% is applied in fields. Most farm worker pesticide injuries go unreported; field laborers usually don’t complain from fear of losing their jobs. So the true toll from methyl bromide is much higher than official indications, notes the UFW’s Dolores Huerta.

Up to 60% of methyl bromide escapes into the air even when fields are covered by tarps. California authorities do not regularly check the fields for exposure to methyl bromide at maximum levels set by the state. Methyl bromide can be applied as close as 30 feet from homes or school buildings. The Wilson administration axed requirements that neighborhoods be warned when the poison is applied in nearby fields.

More than 40% of reported injuries from methyl bromide comes from drift through the air. It has forced evacuations of California residential communities in Ceres, Castroville, Oxnard and Union City.

A report last February from the Environmental Working Group revealed that 841 elementary schools and day care centers in California were within 1½ miles of fields where one ton or more of methyl bromide was applied in 1992.

The state Department of Pesticide Regulation—controlled by Gov. Wilson’s political appointees—sat on one potentially damaging scientific study for six months. This dog-inhalation pilot study was set to last four days in order to set dosage levels for a yearlong experiment. It was canceled...
Dolores Huerta testifying in January against methyl bromide before the state Senate Health Committee. At right is state Department of Pesticide Regulation spokesman Steve Monk.

Serving Farm Workers

Radio Campesina Information Director Pepe Escamilla in the Bakersfield sound booth at KMYX-FM, part of the farm worker radio network.

Farm Worker Radio Network Syndicates Its Programming

Radio Campesina achieved a milestone on Feb. 1 when centralized programming was beamed for the first time via satellite to listeners in California.

Airing programming that originates from a central location is the latest success of the National Farm Workers Service Center (NFWSC), which Cesar Chavez founded in 1966 to serve farm workers.

Radio Campesina broadcasts centralized news and educational programs out of its main studio in Bakersfield. A new automated system acquired in 1995 enables programming to be centralized. Radio Campesina upgraded from a tape to a digital audio system that allows for more detailed production and will allow for rapid expansion.

Centralized programming made available through satellite transmission allows Radio Campesina to expand into new farm worker areas without the expense of acquiring more radio stations. Now individual shows or whole blocks of time produced by Radio Campesina can be made available to unaffiliated stations.

Beginning in March, radio programming in both areas was geared towards capturing the 25- to 50-year-old market. The network's flagship station, KUFW, already has a loyal audience among this older age group.

Local programming will continue to be emphasized at all stations. Weekday morning shows at each of
the stations—farm worker drive time is from 5 to 7 a.m.—feature popular music and forums so farm workers can call in and talk about concerns and grievances. There are updates on issues ranging from local organizing drives to legislative battles such as opposing the dangerous pesticide methyl bromide.

“There is a lot of interaction,” reports NFWSC Vice President of Communications Anthony Chavez. “People vent their frustrations. We go after farm labor contractors who owe people money and foremen who sexually harass women workers.”

Frequently broadcasted are “soft” general messages discussing the UFW and farm worker movement history—“what we are about, what we want to do,” Anthony Chavez says. A “Do You Know” series informs workers about their rights on a broad range of subjects from farm labor law to housing, government services and immigration. On-the-air “Teatro” skits help educate workers; one routine warns that an arm rash may be a symptom of pesticide poisoning that requires a visit to the doctor.

Radio Campesina produces regular half-hour specials so farm workers can call in and exchange information on local organizing campaigns. They also promote union and community events, and church fund-raisers.

Every Radio Campesina station stages live remote broadcasts to reach out to listeners. During lunch breaks, work crews are visited in the fields by station members promoting the Radio Campesina and the UFW. Sometimes local restaurants help sponsor programs by handing out free food and drinks. Stations sponsor contests and raffles, and take dedications from workers in the fields or at home.

Housing Developments. Meanwhile, the three newest NFWSC rental complexes for low-income farm workers are scheduled to be built and fully occupied by the end of 1996. “This is the busiest period in the history of the service center regarding housing developments,” states NFWSC’s Leo Puig.

The new developments include modern two-, three- and four-bedroom, two-bath apartments. Villa Salandini, a 148-unit complex in Parlier, was named for longtime UFW supporter Father Victor Salandini (1928-1994). An initial 65 families moved in on Feb. 15. Villa Salandini is home to a community center that will serve as a model for all future projects. Tenants will be given the choice of the construction of a gym or computer lab. The center will also have a conference room where community meetings, citizenship and English-as-a-second-language classes, and social services such as immunizations will be held.

Now going up is Casa Velasco, a 150-unit apartment complex in Fresno named for former UFW Secretary-Treasurer Emeritus and NFWSC board member Pete Velasco (1910-1995). A 100-unit Porterville project is also underway. Additional complexes are being planned.
Community Union

UFW Leader Joins Harvesters
Fired and Arrested in Florida

One of Florida's largest mushroom producers responded to union organizing and consumer pressure by firing 150 harvesters and arresting United Farm Workers Vice President Rebecca Flores-Harrington and about 30 laborers during a March 14 demonstration.

Flores-Harrington, who is also director of the UFW's Community Union, was arrested after the 150 harvesters marched during their lunch break to demand that Quincy Farms recognize the union. Deputies from the Gadsen County Sheriff's Department made the arrests at the urging of management.

The union has been working with Quincy Farms employees since last June. Mushroom harvesters are seeking a UFW contract to end poor pay and working conditions, and abusive treatment by supervisors that sparked major work stoppages at the ranch last October. At the request of the harvesters, unions, religious groups and college students in Florida have been asking supermarket managers to urge Quincy Farms owner Rick Lazzarini to bargain with the UFW for a union agreement.

The March 14 actions by company officials appeared to be in reaction to that pressure from consumers as well as heightened organizing activities by Quincy Farms employees.

Meanwhile, across the continent wine grape workers at Washington's largest winery, Chateau Ste. Michelle, elected five of their own to a board that will help the union administer the first farm labor contract in that state.

Farm Worker Benefits

More Families Getting Union Health, Pension Coverage

Because of new union contracts negotiated in 1995, 2,000 more farm worker families are protected by the UFW's Robert F. Kennedy (RFK) Medical Plan. Another 1,600 more union members are having employers make contributions to the Juan de la Cruz Pension Plan.

In addition, more than $275,000 in retroactive pension plan payments were handed out last year to farm workers who didn't know they qualify for benefits. Medical claims for farm workers under the RFK Plan are processed the day after they are received. Checks are issued every other Friday from plan headquarters at La Paz, the UFW's California headquarters.

The RFK Plan is the first comprehensive family medical insurance coverage for U.S. farm workers. It was named after the late New York senator who was the first nationally-recognized political leader to champion the UFW's cause in the mid-1960s.

Pension plan applications are also processed the day after they are received. Pension checks are mailed to farm worker retirees on the first of the month. The pension plan is named for a veteran union member, Juan de la Cruz, 60, who was shot to death on a grape strike picketline in 1973.
Ecological Farming

Farm Workers & Small Farmers Joining Against Pesticides?

Farm workers and small farmers can work together to solve problems facing agriculture—including the use of toxic pesticides—only after growers recognize that their workers need and want union contracts. That was the message UFW President Arturo Rodriguez delivered in a major Jan. 25 speech at an ecological farming meeting in Monterey Bay.

Rodriguez "had 800 organic farmers eating out of the palm of his hand," reported the Bakersfield Californian. Participants at the 16th annual Ecological Farming conference gave Rodriguez "a standing ovation, complete with foot stomping in the largest assembly room at the Asilomar Conference Center," the newspaper wrote.

Farm workers and small farmers share a "commonality of interest and commitment...because fundamentally we are all people of the land," Rodriguez said. "Together we can work for fundamental change in agriculture. There are a variety of reforms for which growers after workers win the union contracts they need and want."

Arturo Rodriguez told an organic farming conference that farm workers can help solve problems facing growers after workers win the union contracts they need and want. Farm workers and small farmers can strive in the legislative and political forums—from conserving natural resources and preserving prime farmland to reducing our reliance on toxic pesticides—that threaten workers, consumers and small farmers.

"Once growers are willing to recognize that farm workers need and deserve the security UFW contracts bring," Rodriguez continued, "then farm workers will reciprocate by helping farmers with their problems. That means farm workers will do everything possible to ensure that unionized companies flourish economically. We want them to be competitive and profitable—especially against non-union ranches in the same area and industry."

Rodriguez criticized employers who "embrace the rhetoric of ecological farming because they want to appeal to profitable market niches...But they treat their workers just as poorly as growers" who use pesticides.

On the seventh day of a water-only fast in support of the United Farm Workers' grape boycott by six Latino students, Michigan State University at Lansing President Peter McPherson came to terms with demands from the school's chapter of MEChA, the nationwide Latino student organization. The students ended their fast on Feb. 18.

Students had been calling on Michigan State—one of the nation's premier agricultural research institutions—to honor the California grape boycott since 1992. When there was no movement from the administration, MEChA members resorted to a fast in the tradition of Cesar Chavez.

In response to ending the fast and community support for MEChA, student groups have been guaranteed a democratic process so votes can be taken on issues such as whether grapes should be served in certain parts of campus. Michigan State students celebrated Cesar's birthday by having March 31 designated "No Grapes Day," and arranging for grapes not to be used in campus residence halls.

On Feb. 26, the president of MSU released a public statement expressing a commitment to the social well-being of farm workers. By May 15, a student affairs officer on campus is supposed to indicate future university plans and commitments in recognition of a growing Latino population on campus.
Events Honoring ‘One Of The Heroic Figures Of Our Time’

The Cesar E. Chavez Foundation sponsored a series of commemorative events in the week surrounding the UFW founder’s March 31 birthday honoring the man described by Robert Kennedy as “one of the heroic figures of our time.”

Capping observances was the 2nd annual Cesar E. Chavez Legacy Awards Dinner March 29 at the Biltmore Hotel in Los Angeles. At this year’s event, the Foundation recognized four activists whose lives and careers reflect Cesar’s vision. Former U.S. Representative Edward R. Roybal received the Legacy Award. Women’s rights activist Gloria Steinem was recipient of the Freedom Award. Actor Edward James Olmos was presented the Friendship Award. And California AFL-CIO head John F. Henning was honored with the Si Se Puede Award.

The dinner is the Foundation’s biggest fund-raiser of the year. Proceeds go to educate at-risk youth and to construct a plaza and educational center around Cesar’s grave at La Paz.

There were a host of other observances. On March 31, a life-sized statue of Cesar was unveiled at California State University, Fresno. A park in Corcoran was dedicated in his name on March 30. The San Diego Unified School District broke ground for the Cesar E. Chavez Elementary School on March 28.

Marches and other dedications were celebrated across the country. Students at many colleges held day-long fasts to honor Cesar and protest continuing farm worker abuses. For information about contributing or participating in future events, contact the Cesar E. Chavez Foundation at 1741 S. Harvard Boulevard, Los Angeles CA 90006, or call (213) 734-8302.

UFW Co-founder Still in the Forefront of Workers’ Rights

In 1962, Cesar Chavez and Dolores Huerta quit their jobs with the Community Service Organization and founded what would become the United Farm Workers.

Today, the UFW co-founder and first vice president is helping lead the drive for a California initiative to increase the minimum wage. She was a key figure behind state legislative efforts to halt use of the toxic pesticide methyl bromide. And she continues negotiating union contracts that dramatically change the lives of farm workers.

Huerta will turn 66 on April 10. Showing no sign of slowing down, she is a national symbol of workers’ and women’s rights.

The farm labor leader taught elementary school in the 1950s, but quit because she “couldn’t stand seeing kids come to class hungry and needing shoes,” Huerta recalls. “I thought I could do more by organizing farm workers than by trying to teach their hungry children.”

Soon she met legendary community organizer Fred Ross, who taught her how to organize. Later she met another Ross discovery, Cesar Chavez; they worked together for nearly 40 years.

Beginning in 1966, Huerta negotiated, wrote and administered the first union contracts for farm workers in the continental United States. She’s still going strong.
Si Se Puede! 

Musical arrangements by Los Lobos

"This album mirrors the spirit and vitality that have sustained the farm workers through the good times and the bad for more than a decade. It celebrates the love and solidarity we share as a people united in a common struggle. It is a tribute to the artists who donated their talents to support the cause. It will be cherished within the movement and it will help bring our message to friends and supporters everywhere."

-Cesar E. Chavez, 1976

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