

Barbara Rhine 1973

Going Out to (Fight) Gallo

It's the summer of 1973. I've already been out to La Paz in the San Joaquin Valley once—to meet with other lawyers in the dark of the night. We were in a mysterious location amid ghostly buildings and tales of tuberculosis. In hushed and conspiratorial tones, often rendered totally inaudible by trains cutting right across the property, the group was hatching a grand scheme of legal strategy and tactics to match the farmworkers' actions. The largest agricultural workers' strike in California history, already begun in Coachella's early Perlette grape harvest, was taking shape. The excitement and meaning of it all tugged at me, but my mother was sick and I had to stay nearby. By midsummer she has passed on, however, and the aftermath of grief demands a new beginning. The stakes, however, have risen. Two farmworker union members, Juan de la Cruz and Naji Daifullah, have died while engaged in strike activities.

With some trepidation I sign on to the legal staff of the United Farm Workers of America, AFL-CIO (the "UFW," and not to be confused, as I'm told months later, with the "UFWA" as I've been writing on legal papers, which is the United Furniture Workers of America). Next thing I know I'm driving from the Bay Area to a town I've never heard of, called Livingston. My first assignment is the daunting task of preventing Gallo, the largest winery in the world, from evicting scores of field workers and their families from their farm labor camp housing.

I haven't cracked a law book in at least two years, due to other endeavors, and I've never handled an "unlawful detainer" case, as evictions are called in court, but my distinct memory from law school is that the property owner always wins. Today at 1:30 p.m., I have to be prepared on a case where Gallo has served three-day notices to quit the premises on at least 58 families. I'm steering with one hand and turning the pages of an eviction defense manual with the other. One volume only, thank God, but I'm not sure whether to be more frightened of a crash when my eyes leave the road or the rare but distinct possibility of opening my mouth and not having a single thing to say.

When I get to the Livingston municipal court I discover that 1) the courtroom is packed to the rafters with farmworkers; 2) the leader of the strike is a dynamic woman my own age named Aggie Rose; and 3) the judge is a house painter. My fingers tremble as I proffer my hand to Gallo's lawyer from Merced, an older white man with silvery hair who fairly oozes confidence.

Aggie asks if we can have the proceedings translated, and I say yes, of course the judge should permit that, though I in fact I have no idea if he will. Aggie says if we're going to translate into one foreign language, then we have to translate into two, because some of these workers are monolingual in Spanish, others in Portuguese. Why not, I agree, less and less certain that any of this will work.

The judge bangs his gavel, and we're off and running. First thing, relieved that I have a first thing firmly in mind, I ask him to translate the proceedings into not one but two separate languages, and to my utter and total surprise, he too says yes! After this, due to the fact that every single thing has to be repeated twice, the proceedings slow way down, for which I am immensely grateful. Quickly I become adept at interrupting Gallo's mouthpiece to demand translation when I need the time to check out what he's saying in my trusty handbook, which serves me well.

The presence of the workers, filling all the chairs, standing in the back of the tiny courtroom, spilling out into the hall, lends the proceedings an incredible gravity. Nothing is light here—they are worried they will lose the very roof over their heads and be left without a place to sleep. (Later I go out to visit the camp, and discover that the roof is about all they have. Whole families are crammed into single rooms, heated by gas cooking stove burners that cause condensation to run down cinder-block walls, serviced by communal bathrooms that are dark, gloomy, and wet, even on a midsummer afternoon.)

The judge, a shy and quiet person, appears a bit daunted by this dramatic scene in his own tiny courtroom. Gallo's lawyer, on the other hand, seems not to have a care in the world, though he also seems slow-witted and is certainly outnumbered. As for me, with my trusty advisors on either side for translation, and with the people at my back, I'm on a roll. I dip into the relevant stuff, like whether service of process was proper; cruise onto the heady stuff like whether the housing is so terrible that in fact the owner is the one at fault, for not meeting the warranty of habitability; and wax positively eloquent on the truly esoteric stuff, like the relation of all this to freedom of speech and assembly and the whole entire U.S. Constitution, at least the parts that matter most. At some point I become aware that I am enjoying myself.

Four hours later the judge, in an attempt at calm, states that he will have to look into the issue of whether each and every complaint has been correctly drafted and personally served on the right party to the suit. He says this will require him to take everything under submission, for what he clearly hopes will be the indefinite future, so he doesn't have to figure all this out. There are political risks to him, either way. When in doubt, do nothing, which is exactly what he does.

At last the long afternoon in court comes to a close. Aggie seems satisfied and is already announcing a meeting to plan the picket line for the next morning. The workers seem happy enough, or at least they are not being evicted at the moment. I am incredibly relieved to have survived the afternoon at all, and in an excess of zeal I again thrust my hand at the Gallo lawyer. This time it's his fingers that are trembling, not mine. This is heady stuff. I am hooked, definitely hooked.

The delay in the evictions calls forth another tactic from Gallo. This time they decide to go for the big time and try to evict everyone in one gigantic injunction proceeding. Forget the

individual action; too much trouble in the context of this pesky strike. After all, who's in charge around here anyhow? Time to get this done! They file their papers in the superior court of Fresno County. No more house painter judge; we're in the big time now. The county seat, the huge courthouse with the looming white pillars that could be from a set for *Gone With The Wind* is a place where all the attorneys are male attorneys. It is said that they wear white shoes.

By now I know enough about eviction law—where indeed, sooner or later the property owner always does win—to understand how terrified I really should be. I am, and I let my boss, Jerry Cohen, know that I am. He is alarmed enough to call me in for a meeting.

Again I drive to La Paz, which is almost as odd by day as by night. I settle into Jerry's doublewide trailer on a couch surrounded by baby diapers and children's toys. We discuss the case. We go on and on. No matter how long this takes, I am still scared—and worry that my own puny individual talent is responsible for seeing to it that all these people have a place to sleep at night while they picket by day.

Eventually someone knocks at the tinny door, and it's Cesar Chavez himself, whom I've seen only from a distance until this moment. He strikes me as inconspicuous and charismatic at the same time, if that's possible. He's not much taller than I am, and he's got an impish grin. I've seen him from a distance only, but he sits down and starts to chat as if he's known me all my life. Eventually he inquires as to whether I am concerned about this small matter of the eviction hearing scheduled for the next day. Oh, no, I try to say, but oh, yes, is how it comes out.

His basic response? So what if we lose? (SO WHAT IF WE LOSE??!!) The workers should get out of that hellhole of a camp anyway, he states in a definite tone accompanied even now, in the midst of the serious stuff, with a slight smile. The feudal era is over. If the workers aren't ready for this, they should be. They'll have to be. This is just a small part of a larger struggle. It's time to leave the grower's estate, get out from under the lord of the manor's thumb. If we lose in Fresno, which he states he expects to happen, apparently the farmworkers would be better off anyhow. So, not to worry. (NOT TO WORRY??) *Si, se puede*. Yes, it can be done.

I ponder all this, driving back to Livingston, hitting more books before the three-and-a-half hours when I can't sleep anyhow. Am I relieved? Surely he doesn't mean I shouldn't even try, does he? Does it matter how well I do? What does it mean, in fact, to an insecure and self-important 28-year-old, to be part of a process that is way larger than she and all her lofty concerns?

Whatever, the next morning does arrive, and I am still quaking in my boots. By the time I get to the courthouse at 8:30 a.m., the workers, changing and marching around with red flags, ring the entire building. The crowd swells even as I and the rest of the legal team stride through it, past the reporters and into the courtroom, forced to appear confident and

even beginning to believe we are, due, as before, to the support from the farmworkers. No, they are not the support, I realize. I am the support. They are the main act.

Gallo has a new lawyer. He is not wearing white shoes. He does not shake my hand. His suit is of an expensive cut, and he reeks of high stakes. His name is Quinlan, and he's said to be a very heavy dude, as in powerful and even smart as well.

The judge is determined to be dignified, and he knows that he at least has to appear evenhanded. Incredibly, Quinlan, on behalf of the party who was in such a hurry to get everyone out of the labor camp ASAP, asks for a delay. He is outnumbered, the press is there, his boss is going to look bad, though of course he says nothing of all this. The judge, though, points out that Gallo was the one who got everyone all in an uproar here with this rather unusual procedural measure of requesting that everyone be made to leave their homes at once. We will proceed, he says.

Sensing our power in numbers, and in view of the quantity of people who want to be in the already-filled courtroom, we demand that the proceedings adjourn to the city auditorium. The judge puts us in our place with a crisp denial, but says there has to be room made in the court for the head of each family that Gallo seeks to evict. Seats are shifted, and the courtroom fills with the workers. We make our request that everything be translated into Spanish and Portuguese, which he grants. Our translators take their places, and at last the substantive legal argument begins.

Again the stately pace as each side unleashes its torrent of words about whether it is proper to evict a group with just one document, one set of facts, as if it applies to everyone. Needless to say, we UFW lawyers have a lot to convey about how this is not right, and we'll go on as long as we're allowed. Quinlan has a few things to say as well. Rumor has it that Cesar Chavez is present and addressing the crowd outside, and being as how he's *not* the head of a household being evicted, but only the head of the whole danged thing, we ask permission for him to enter. Permission denied. Again the snail's pace as the proceedings drone on, with only a slight grumble from the otherwise very respectful audience.

Ten minutes later there is a stir in the courtroom. I look around, and there he is—Cesar with his mischievous smile, seated right in the center, among the people, all of whom know exactly who he is and exactly how he got in—except me. In any event, there seems to be no official in the vicinity, including the judge, who has the knowledge and/or the nerve to order him out.

Everything continues to take all day. In fact, the next time I turn to look, Cesar is gone. Nevertheless, at the end of that very lengthy hearing, the judge says that indeed there is grave doubt about whether an injunction, designed for a speedy remedy to impending and irreparable injury, offers the necessary due process for evictions, and damned if he doesn't just go ahead and deny it, right there! To my utter disbelief, he orders Gallo back to the serving of individual unlawful detainer complaints, a perfectly sufficient remedy, he says.

Back to the house painter judge with the requirement of detailed attention to each case. Which attention will be paid one day, which evictions will be had. But in the meantime, victory is at hand!

Everyone joyfully scatters, to reconvene that evening at the aforementioned labor camp, transformed into grace and beauty and fun, as surely as if by miracle wrought by the Virgin of Guadalupe herself. A whole goat roasts over a spit, children are running and playing everywhere, people are laughing and shouting and spilling out from under the legendary Gallo's thumb with the intent to spit right in the giant's eye. I bathe in the celebratory mood, try out my pathetic Spanish after a beer or two, and genuinely marvel at the power of the people, made tangible enough to feel, to taste, to savor.

Needless to say, I had to stay on. I worked on the Gallo strike all that summer, and after Livingston I staffed union legal offices in Delano, Merced, and Fresno before I was through. I went to court many more times on behalf of the UFW, knowing that whether the courtroom was empty or full, whether we won or lost on the merits, we were part of a larger struggle that was just and right and changing history.

As for the Gallo workers, eventually of course, they were evicted. They left the camp, each in their own time, at the end of the 1973 harvest season. Before the winter was over, Gallo razed the camp and ploughed it under. By the following year, where so much life had been now looked the same as all the rest of the fields.

As Cesar had predicted, the individual workers gained confidence even as they lost their homes and their jobs, for though the UFW movement was still going strong, the pickets were down, the strike benefits over, and the strike not yet won. The strongest strikers scattered with their families into California cities to work the boycott against Gallo wines. Others found new jobs. The more active an individual's participation in the strike had been, the more varied the opportunities that presented themselves, and for every striker I knew, life was indeed better away from the baronial manor.

And the strike against Gallo, was it won or lost? Well, lost in the sense that eventually, under the later Agricultural Labor Relations Act, the UFW did not win the first vote; won in the sense that eventually the election was thrown out as tainted by Gallo's unfair labor practices; lost in the sense of lengthy bargaining without a contract; won in the sense that eventually a contract was signed, at least in Sonoma Valley; lost in the sense that just the other day, which is now 30 years later, I met a young Chicano from Sonoma who was leading the fight against a Gallo attempt to decertify the UFW, even after all this time. The thing is, though, that ever since the summer of 1973, Gallo does not just get away with everything because it's the boss; there are often those pesky workers around now, who tend to fight back.

And what else? There are toilets in the fields, or at least the law requires them. Farmworkers get unemployment benefits and are covered by the minimum wage law.

Those under the hard-fought UFW contracts have a medical plan and retirement benefits. Cesar Chavez himself has passed into history, and more parks and streets are named after him every year. State workers take his birthday off, and children celebrate it in California's schools. The fields are still flooded with cheap labor, though. Illegal immigrants from all over Mexico and beyond, often ignorant of the UFW and its complex history, are still exploited mercilessly. The struggle itself is a work in progress.

My own path is the least important part of this story, but I learned some Spanish, I made lifelong friends, and my life was enriched immeasurably, as was that of everyone I knew who was touched by the farmworkers' struggle from that era. After I left, I rode the UFW coattails into a labor law teaching position for the next 10 years. My life was never the same again; I always had more courage after that summer of 1973.

So many people, with all our imperfections, all on the move together—that is what renders incandescent the memories I have of my time with the UFW. It is that simple. *Que viva la huelga! Que viva Cesar Chavez! Que viva la Union! Que vivan los campesinos! QUE VIVA!*