

Little Cesar

Ralph de Toledano

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Foreword by United States Senator Paul J. Fannin

There is much in this book to worry Americans. But what is most significant to me is the light it casts on the forgotten people of the “great grape strike” and the boycott which brought success to Cesar Chavez, the United Farm Workers’ Organizing Committee, and the AFL-CIO. Those forgotten people were the men and women who actually pick the grapes in the San Joaquin Valley. They bitterly opposed—and still do—the efforts of the Chavez group to force them into the straightjacket of a compulsory union—and one which has reverted to the closed shop practices which were declared illegal by the Congress in 1974.

Most grape pickers of Delano knew that the Chavez “union” would reduce the size of their paychecks and deprive them of the freedom of action they had always enjoyed—and their fears proved to be true. The workers felt no sympathy for the revolutionary doctrines, espoused by Chavez and his handful of followers, which they tied to their unsupported demands for collective bargaining. But the forgotten people were crushed by the machine. With almost unlimited funds from the great labor aggregations at his disposal, and the massive assistance of an unquestioning mass media, Cesar Chavez was able to deprive the grape pickers of their rights under the First Amendment of the Constitution.

In this tragic process, the UFWOC and the AFL-CIO were the upper millstone. The grape growers of Delano were the nether millstone. Compelled by the threat of bankruptcy to sign contracts with Chavez, the growers agreed to arrangements which sold the grape workers into the indenture of a closed shop—with no other choice but go hungry. California’s labor statute made it illegal for the growers to discourage compulsory unionism as a condition of employment. But it allowed Chavez and the UFWOC to drive the pickers into a union against their openly-stated wishes. The contract, in short, was one in which the two signatory parties deprived a third party of his rights under law.

This, it would seem, is anti-American and antihuman. Unfortunately, many of those who supported the Chavez strike and boycott were unaware of these vital considerations. They had been convinced that the grape pickers of Delano were earning starvation wages, and the pickers were being intimidated by grower violence. The exact opposite was true. This is what makes Ralph de Toledano’s fascinating and documented account of the events in the San Joaquin Valley so valuable.

Toledano has not only dug long and hard to get at the facts, he has also brought to his account, experience and understanding as one of the country’s most perceptive political writers. Perhaps his recital of the facts will lead the voting public to press for the enactment by the Congress of a sane and equitable labor statute. If it does, the major

beneficiaries will be the forgotten people of America who produce the fruits of our greatness.

Introduction

On December 8, 1965, the Manchester *Guardian*—a newspaper which prides itself as being in the great tradition of British liberalism—published a story about what was then a little known happening in the faraway town of Delano, California. It was written in the hortatory style so dear to crusading reporters, painting a tragic and indignation-filled picture of a strike of grape pickers. And it was filled with the kind of detail which makes a newspaper account convincing.

“The verdant San Joaquin Valley, California’s ‘fruit bowl,’ has again become the principal battleground in organized labor’s decades-old fight to organize the workers in the fields,” said the *Guardian*. “Although the agricultural farm workers are not being roused from their shacks in the dead of night by armed mobs of vigilantes and American Legionnaires as they were before the war, and in spite of the absence of the Communist agitators, the new conflict reflects the same basic struggle that John Steinbeck chronicled in ‘The Grapes of Wrath’ . . . The battle-cry is ‘huelga’ (Spanish for ‘strike’) . . . The focal point of the union’s organizing drive is Delano, an unattractive vineyard community of about 11,000 in northern Kern County . . .

“The town is divided by the highway—and the huelga, which began September 8 when 3,000 Mexican-American and Filipino-American grape pickers walked off the job. The stoppage resulted from the refusal of the growers to recognize their collective bargaining agents, the AFL-CIO Agriculture Workers’ Organizing Committee and the National Farm Workers’ Association. The two unions had jointly asked for a wage increase from \$1.20 an hour to \$1.40 an hour.

“Most of the workers in the Delano work harvest are members of migrant families who eke out marginal livings by ‘following the crops’ around the United States. They live in primitive rented quarters in employer-owned labor camps, and, in many instances, are forced to purchase their food from farm-owned stores . . .

“The growers, better organized than the unions, speak through ‘protective associations’ . . . All have steadfastly refused to deal with the unions as lawful representatives of the workers, and their members have methodically set about the task of breaking the strike. But the time-honored anti-labor practices which proved so effective 30 years ago don’t seem to work any more.

“The first step was the wholesale eviction of the strikers from their rented home . . . (But) any attempts at intimidation (by the growers) has been thwarted by the presence of dozens of clergymen, joined by university students and labor leaders who have helped to man the picket lines around ranches and vineyards . . .”

There was only one thing wrong with the Manchester *Guardian*’s dramatic story: None of it was true. It was, in fact, but the precursor of a vast spillage of propaganda into the American and world mass media which ignored or suppressed the facts, shut out answering voices from the channels of information, and finally struck down the very people it was presumably devoted to benefiting—the grape pickers of Delano. There was another

victim—the ethics of the mass media, caught with its bias showing and a smug look on its face.

These words are not lightly written. I have probably been to Delano more times and spoken to more grape pickers than any other writer for the national press. Because I speak Spanish, I have been able to reach many whose English is either primitive or non-existent. My columns on Delano won me the enmity of the United Farm Workers Organizing Committee, until recently a paper organization, and of much of the mass media.

The Manchester *Guardian*, at least, had the excuse of its long remove from California. But as Cesar Chavez made his nonexistent “huelga” a national issue, reporters from near and far flocked into Delano, spent several hours at the UFWOC headquarters, and returned to write stories and articles that should have won them the Pulitzer Prize for fiction. The Stanford *Daily*, just a few hours drive from Delano would “report” seriously that in the San Joaquin Valley “the average farmworker works ten, twelve, fourteen hours a day, six days a week, and earns less than \$2,000 a year.” Then, to show how callously the farm workers were treated, how they had no medical care, the newspaper told a harrowing tale: “This June, a young woman, pregnant and in labor, entered the Kern County General Hospital. Eight hours passed before she received any medical attention. Both she and her baby died.” A careful check showed that there had been no maternity deaths of farm workers at the hospital for four years.

This kind of fictionalizing and pamphleteering was not limited to a few newspapers. The New York *Times*, *Newsweek*, *Time* magazine, the major opinion journals took up the wondrous and phony tale. The television networks joined in—and all efforts to correct the record were ignored. The grape pickers writhed and complained and held mass meetings to tell their side of the story—but they were ignored. The mass media decided that Delano was a classical case of noble union versus grasping employers, and in time the workers found themselves crushed between the upper and nether millstone.

What follows is the true story of Delano and its grape pickers, of a three-cornered fight in which their side was rarely told. They are a warm, generous, and courageous people, delivered into “slavery”—their word—by the ambitions of Cesar Chavez, a man whose “charisma” is felt only by the rich and highly placed of the world, applauding comfortably from the sidelines, and by a clergy which has sold its ministry for a handful of newspaper clippings. In preparing this document, I have spoken to people in all walks of life and of all religions. I have discovered that the Chavez charisma grows in direct proportion to the distance from Delano where his name evokes expression of hatred and fear.

The grape pickers of Delano know that in spite of the almost unlimited funds at his disposal and the ceaseless support of the mass media, Cesar Chavez was never able to recruit more than 2,500 members nationwide, 500 in their area, if that many, into his “union.” They know that the capitulation of the growers to the UFWOC has forced them without their consent into a closed shop in which they are subjected to economic blackmail and where their standard of living has gone down. They know that Delano, which once gave them a good and contented living, has changed into a city of conflict and misery. They know what they had and what they lost—and who is responsible.

But the story of what happened in Delano, were it merely one more chapter in the endless history of man’s inhumanity to man, would be of marginal importance. Delano,

however, significantly represents an epic example of the injustice visited on the working men and women of this country by the latter-day evangels of the American labor movement. Once upon a time, organized labor could talk in terms of its “weakness.” But as implementation of recent amendments to the National Labor Relations Act has shown, complaints to the National Labor Relations Board of individual workers *against* their unions have exceeded union action against employers.

The Delano case underscores the fact that the NLRA is fatally flawed and will remain so until the courts or the Congress bring it into conformity with the First, Fifth, Ninth, and Fourteenth Amendments to the Constitution. During the Chavez “strike,” well-meaning people argued that if the NLRA were extended to cover agricultural workers, a fair solution to the Delano problem would be found. But this extension would merely bring another group of workers under the compulsory unionism clause of the NLRA. This further rape of the Constitution could satisfy no one but Mr. George Meany and the AFL-CIO. The growers would, of course, accept it—if they had guarantees of additional legislation which would bar strikes during the harvest period—a time when they are completely at the mercy of a union. (Unpicked produce cannot be returned to the production line weeks after it has rotted.)

My own view is that no-strike pledges are something that can be arrived at by the growers and the union—if the workers want a union—by private compact. But one principle must be written to the NLRA, or any successor legislation, if there is to be any kind of labor justice in the United States. That principle is simply this: That no free American be compelled to join a union even if 99.99 percent of his colleagues favor it. This in no way endangers the rights of the majority. Nor does it leave the union defenseless. Labor has thrived in Right-to-Work states, and will continue to do so. And Cesar Chavez who—as the pages which follow point out now demands a closed shop in agriculture—cannot claim that this will cripple his drive to unionize farm workers. He has signed contracts with farm employers in Arizona, which bars compulsory unionism under the terms of Section 14(b) of the NLRA.

For those who still feel that a union shop presents advantages for the workers, it should be noted that the exact opposite is true. The union shop is fine for the AFL-CIO and the other large aggregations of organized labor strength. But it leaves the worker unprotected and powerless. Where there is voluntary unionism, however, union responsibility enters the scene. If Mr. Meany and other labor leaders cannot force a worker to join, then they must make the union attractive enough—and fair enough—to win voluntary support. When this comes about, organized labor is healthier and, in any real sense, stronger than it is today. For compulsion, like power, corrupts.

This is what merits the extended account of the Delano conflict which follows.

I. Delano Is Chosen

The town of Delano (population 13,000, give or take a couple of hundred) punctuates the table-flat San Joaquin Valley, but hardly interrupts it. Like many agricultural towns in the West, its streets are broad and quiet, its commercial sections utilitarian and tawdry—bars, five-and-dimes, farm equipment emporia, lunchrooms, drug stores. Its residential

sections would win no *House and Garden* prizes, but there is none of the Levittown conformity, and the one-story houses are well kept.

Until 1965, when it became Cesar Chavez's target-for-tonight, Delano was a stable city. Though it was the hub of the table-grapes industry, almost ninety percent of its work force lived there permanently—owning or renting, driving their own cars, and enjoying the highest farm pay in California, which in turn earns the highest in the continental United States according to the Agricultural Department. During the harvest season, the grape pickers—Mexicans, Mexican-Americans, Japanese, Filipino-Americans, some Puerto Ricans, a melting pot of races and nationalities—worked amicably in the fields. The growers—sons of Eastern and Southern European immigrants—worked alongside the pickers in the hot, sun-drenched vineyards.

Relations between growers and workers were amicable. Growing table grapes is the most exacting job in the San Joaquin Valley. Experienced hands must tie and prune the vines, must see that the sun reaches all the grapes. Each bunch of grapes must be carefully picked and packed so as not to bruise the fruit. Experienced hands are needed, and the pickers of Delano knew that if they were dissatisfied with one grower, they could always quit and find another job. The men worked and so did their women. At the height of the harvest, the older children went into the fields on weekends or during vacations to earn money for their schooling. A family working together could earn \$350 a week, and for many of the pickers, an annual paycheck of \$10,000 was not unusual.

“If I wanted to quit for a couple of days because maybe one of my kids was sick—or just to quit because I wanted to quit—I didn't have to worry about it,” a Delano mother told me. “When I got ready to go back, the grower would hire me like that—and if he didn't I could go down the road and work for another grower.”

The migrants who lived in the camps came and went, but while they were in Delano they got free room—better in many respects than the barracks of an Army camp—and three square meals a day for an average of \$2.50 a day. Between the work in Delano's vineyards and other seasonal employment in the citrus orchards, the pickers of Delano were on payroll for ten to eleven months of the year. They had some complaints, and from time to time, they put an economic squeeze on the growers for better pay. Agricultural labor is hard, but in the valley around Delano, the pickers were not subject to the impersonal and remote relations with management that obtains in the industrial field. Only two of the grape ranches were absentee owned—Schenley's and Di Giorgio's. On the other ranches, most workers were on a first-name basis with the growers.

In five years, all of this has changed. A small man with an oversize messianic complex has put his mark on Delano. He has been able to do so by mobilizing in this small town the raw power of organized labor, the hysteria and psychosis of the New Left, and the pressure apparatus of the clergy. It takes genius to bring together these forces and to manipulate them. It is tragic however, that the capabilities of Cesar Chavez—“Little Cesar” to many of the grape pickers—could not have been employed to raise the level of labor justice in the United States. It is ironic that a man of his eloquence, acting ability, and unquestioned charisma should have chosen as the victims of his talents the workers of Delano. They are the ones most hurt by the Chavez campaign, although to hear him tell it, he is directing his energies to bring to judgment the malefactors of great wealth

George Aglipay, a picker in Delano with no rhetoric at his command and considerable difficulty with the English language, put it with almost poetic succinctness: Chavez force me to join the union. This year I make \$1,400 less than last year.” A large group of pickers sitting in Aglipay’s living room nodded their heads. He had done the arithmetic and they hadn’t. But they knew that this year, after the harvest, they had less money to carry them over to the next season, less money to buy school clothes for their children, and the possibility that comes the next harvest season, the union will keep them out of the fields. “Chavez!” said one of the women—and she made it sound like a curse.

What the pickers of Delano think about him is of little importance to Cesar Chavez. He has succeeded as the darling of the “radical chic” set. He hob-knobs with Ethel Kennedy, James Wechsler, and Steve Allen. He lectures on morality and social justice at Catholic colleges. The valuable time of the late-night talk shows is open to him. His every statement, however counter to the facts it may be, is accepted as gospel. Little girls send him the contents of their piggy banks. He goes on a twenty-five day fast, and the nation holds its breath; he emerges in perfect health, and no one asks embarrassing questions. Cardinals, bishops, and Monsignors clutch him to their bosoms, and a bishop assigns a priest to be his union’s chaplain—but the Marxist-Leninist roots of his “social revolution”—and the atheism of his major heroes—are ignored.

Who and what is Cesar Chavez?

Very little is known about Cesar Chavez’s early life, or about the years before he became involved in social revolution. What is known comes mostly from his own lips and is frequently contradictory. He has told the press that he was a migrant worker, that he was employed “at stoop labor until I was ten”—but on a number of occasions he has said that he had worked in the fields for only three months in his life. There is evidence that at one time, he ran with the Mexican poolroom hangers-on and the zoot-suiter gangs of Los Angeles. Certainly, Dr. Janet Travell’s diagnosis of his back condition would indicate that he could not have worked for sustained periods in the field. Dr. Travell, who was John F. Kennedy’s personal physician, found that Cesar Chavez had a “transitional vertebra,” that one leg is shorter than the other, one side of the pelvis smaller than the other. Had he worked at stoop labor for any length of time he would be a cripple today—and his friends and admirers have described the way he roughhouses with his children or, in moments of joy or excitement, will hop and dance about in a kind of Mexican ballet.

All of this is irrelevant. However much Chavez may over-dramatize his past, however much he may drive the painstaking researcher mad by his vagueness of chronology and locale, it is a pertinent fact that he did group in a place and an era, which was not conducive to charitable thoughts about the American system. He was born on July 31, 1927 in Yuma, Arizona, in moderately prosperous surroundings—his father owned a 160-acre farm—but this was lost in the depression, and by 1936, the Chavez family had joined the horde of migrant workers ranging California and the Southwest as they followed the crops. The life was cruel and humiliating for Mexican-Americans who were confronted by prejudice and injustice far greater than those visited upon Negroes. For Cesar Chavez, it also meant getting a catch-as-catch-can education, as his family moved from place to place. He estimates that he attended “thirty or forty schools” to get an eighth-grade schooling.

In those years, Chavez learned to be fast on his feet, glib with his tongue, and all things to all men. (When, as leader of the “social revolution” in California, he made a great show of his Catholicism, he nevertheless wore around his neck a *mezuzah*, the talisman that orthodox Jews nail to their doors in commemoration of their trials during the Mosaic era. “Christ must have worn one,” he says._ What he did and why in the period between his boyhood and the moment he stepped onto the stage of history is a grey area which Chavez talks about vaguely and with becoming modesty. But from his adolescence, he must have shown qualities of leadership—or at least potential leadership. This alone can account for the interest he aroused he aroused in one of those agitator-priests who in the Fifties began ranging the California farm areas. And it was this priest who brought together Chavez and Fred Ross, a graduate of Saul Alinsky’s school for professional revolutionists in Chicago, the Industrial Areas Foundation. Cesar’s account of that meeting, in a piece he wrote in 1966 for the New Left magazine, *Ramparts*, has highly interesting overtones:

“It really started for me sixteen years ago in San Jose, California, when I was working on an apricot farm,” Chavez wrote.* “We figured that he (Fred Ross) was just another social worker... and I kept refusing to meet him. But he was persistent. Finally I got together with some of the rough element in San Jose. We were going to teach the *gringo* a little bit of how we felt. There were thirty of us in the house, young guys mostly. I was supposed to give them a signal ... and then we were gong to give him a lot of hell”—beat him up, in short. “But he started talking and the more he talked the more wide-eyed I became and less inclined to give them the signal ... He was an organizer for the Community Service Organization which was working with Mexican-Americans in the city. I became immediately involved.”

That evening changed the life of Cesar Chavez, and the history of California. He ceased being the leader of a gang of toughs whose idea of an evening’s entertainment was to beat up a *gringo* radical. For Ross, an astute and persuasive man, was able to convince Chavez that like Paul on the road to Damascus, he had heard the call. (St. Paul figures prominently in Cesar’s conversation.) Ross, moreover, was able to see potential in Chavez. He was a Mexican-American. He had that indescribable but quickly recognizable quality that claimed adherents. He was soft-spoken but tough. He had intelligence and the capacity to learn. With the proper tutelage and grooming, Chavez could become the kind of man needed by the revolutionary cause—“la causa”—in California. There were others to work with him, to keep him on the right track. Mrs. Dolores Huerta was one such—sharp-minded and predatory woman of some charm, the existence of whose husband and the paternity of her six children were raucously questioned during picket-line confrontations in which she called the women in the field “whores.”

As a result of his conversation with Ross, Chavez was hired by the Community Services Organization at \$35 a week and sent for training to Chicago where the parent organization, the Industrial Areas Foundation, was headquartered. The IAF was a unique outfit, created by the radical Saul Alinsky to train professional agitators and to bore from within wherever there was trouble. Alinsky, though a hard-core Marxist-Leninist, was not a Community Party member. In fact, he despised the Communists because of their lack of

* In truth, he was driving a taxi.

flexibility, their ineffectiveness, and their inability to tap America's resources to finance their revolution. Alinsky has made no secret of his belief that the revolution should be financed by its victims—and the hundreds of thousands of dollars that this avowed atheist has received from the Catholic Church attest to the validity of this concept. Not only the Church paid its tribute to Alinsky. The labor unions he accused of being lackeys of capitalism and the rich foundations also contributed to the IAF and the CSO.

Alinsky's objective, the total destruction of the American system, was to be gained by the creation of "people's organizations which would gain control of all the means of production. These organizations were not to work for the improvement of conditions—this, Alinsky argued, would make them "philanthropic playthings"—but to "precipitate the social crisis by action, by using power. "You just crush the opposition," Alinsky would say—a process he described as social surgery." The elite group he trained at IAF was given the slogan of "eternal war" against society—a war in which the Leninist precept that deception, violence, cunning, and betrayal of one's allies are legitimate instruments was taught. Labor unions, church groups, Communist groupings—these were to be infiltrated and taken over then converted into revolutionary instruments. When the War on Poverty was launched, Alinsky saw the Office of Economic Opportunity as one more gravy train, as well as one more organization to be bent to his program.*

For ten years, Chavez worked with the Community Services Organization. Part of that time, he was studying under Alinsky in Chicago, according to testimony in government files. Chavez denies this hotly, insisting that he was never in that city until 1966—and then in connection with his "unionization" drive—but then, Chavez denies easily. There are allegations that Alinsky made secret visits to Delano to direct Chavez's operations. How close the two men may or may not have been, however, is unimportant. If Chavez was not being taught directly by the master, then certainly there can be no question that he was tutored and guided by Fred Ross, one of the master's disciples. In those years, the rough edges were rubbed off Chavez and he was given the gloss of piety which led monsignors later to proclaim his saintliness. As he rose from field worker to \$7,200-a-year "national director" in a Los Angeles office, he was given a background in California labor history, a smattering of Mexican history, and a grounding in the agit-prop literature of the Thirties which later set the tone of his rhetoric.

During that period, he was also making invaluable connections and associations with California's professional poverty brokers, with the New Left leadership, with the labor wing of the Catholic Church, and with the Protestant Migrant Ministry. By 1962, Chavez, Ross, and Dolores Huerta decided that the time had come to branch out, to make a direct strike at organizing the agricultural workers of California. If Chavez and his Alinskyites could succeed at this then they would become a power and a symbol in the labor movement. If they failed, they could still stir up enough dust to give Chavez a national platform. There was little to lose and much to gain. And time was of the essence. The AFL-CIO's Agricultural Workers Organizing Committee, under a touch, cigar-smoking Filipino-American, Larry Itliong, was showing signs of life. To delay might mean

* It should be noted here that when Cesar Chavez began putting together his "union," he diverted \$276,000 of OEO funds, presumably for "community services," into its coffers.

surrendering the play to others.

The first step for Chavez was to leave the Community Service Organization and to set up the National Farm Workers Association (NFWA). In later years, he would tell non-labor audiences that he had quit because he was angry or disenchanted (the degree of emotion changed with the audience) with the CSO because it was “attracting a lot of people who were not farm workers, but who were semi-professional and professional Mexican Americans. It developed a verbal commitment to farm workers, but no action.”

The decision had been made to headquarters the new farm “union” in Delano for a number of very pragmatic reasons. To begin with, it is one of the most stable of farm communities, and probably the highest paid in the United States. Success in Delano would give the NFWA the kind of treasury it needed for drives in the rest of the state. Because the migrant worker was a negligible factor in Delano’s economy, Chavez would have a chance to plan long range drives, which a migrant farm population, here today and gone tomorrow, precluded. But this was not as important a consideration as some believe. In 1963, Governor Edmund (Pat) Brown’s Advisory Commission on Housing Problems had declared:

“California’s agricultural labor force no longer fits the classic picture of the emigrant following the crops from town to town and county to county as a camper with no fixed place of residence. Eighty-eight percent of the farm worker population now live regularly in the same county; 73 percent have been county residents for more than five years.”

The “Grapes of Wrath” symbolism, the accounts of gaunt and starving migrants ranging the land and being victimized by the growers, which Chavez and his followers used to harrow “radical chic” parties in New York and which makes up the bulk of his propaganda was simply myth—and myth which its principal disseminator knew to be such. Also myth is the Chavez rendition of his early days as a union organizer.

“I had saved a little money—\$1,200 to buy a house in Delano,” he told a Los Angeles Times reporter in 1966. “With eight kids that doesn’t go far. I would work two or three days in the fields, do two or three days of organizing. I wanted to get to the place where it would pay for the gasoline. I think it took about 15 months.”

Oddly enough, no one in Delano remembers those “two or three days” of very week that Chavez worked in the fields. This may be a malicious loss of memory. But if Cesar Chavez was able to support a wife and eight children on two or three days of work—and four years later, he was insistent that he drew only \$5 a week from the union—then the pay scale for pickers must have been fabulously high, the highest “starvation” wages in history.

Just what occupied Chavez in the early day of the NFWA is another mystery. To friendly reporters and biographers, he has said that he was trying to work quietly, keeping his name and his activities out of the newspapers and building up a nucleus of members. If it took him fifteen months to enroll enough dues-paying members to pay for his gasoline, the response to his unionizing methods could not have been enthusiastic, since he was charging \$3.50 a month in dues to those who joined. In point of fact, the core and basis of his membership consisted of a few families related to his wife, Helen, a native of Delano and, according to Cesar, a descendant of the Mexican revolutionist, Emiliano Zapata.

Though by Cesar’s account the NFWA was stony broke, there were funds somewhere to set up a credit union and a funeral insurance program. He also founded a bi-weekly

newspaper, *El Malcriado* (The Ill-bred One) which, with almost no paying circulation was able to distribute some 10,000 copies per issue in English and Spanish editions. And he had on the union's payroll, not only his mentor, Fred Ross, but Dolores Huerta and the Reverend James Drake, a member of the Migrant Ministry who held the title of administrative assistant. There was also rent to be paid for union headquarters on Albany Street in Delano. Obviously, in Twentieth Century Delano, Cesar Chavez was performing the miracle of the loaves on a weekly basis.

This, then, was the picture in 1965—a farm worker “association” with few members (so few that Chavez foresaw the possibility of strike action as being years away), expenses but no income, and a big dream of revolution and “social justice.” But events have a way of challenging dreams, and Cesar Chavez found himself confronted by the Larry Itliong and his AFL-CIO AWOC. Overnight, with the aid of a make-up kit and a few manifestoes, the NFWA became a major factor in California's placid labor picture.

II. A “Strike” Is Born

By September of 1965, the efforts of both the Agricultural Workers Organizing Committee (AFL-CIO) and the National Farm Workers Alliance were languishing. AWOC, mostly Filipino in its orientation, claimed some 800 members of Delano's 5,000-7,000 grape workers. Chavez claimed 17,000 members of a California grape labor force of 140,000—though in his sworn statements to the Labor Department, he never gave a figure exceeding 2,500. But these claims were never substantiated by membership cards or dues receipts. Had any critical attention been focused on Chavez, the contradictions inherent in the NFWA's alleged membership and its proclaimed poverty would have been noted. Chavez was insisting that all of his members were paying dues—“I knew sometimes I was taking their last penny, but it gave the group an awful lot of character,” he said. “They paid just on faith that in the future something would happen”—but this would have meant an income of close to \$60,000 a month from men he insisted were starving, cowed, and living behind barbed wire.

The simple fact, as the California Department of Employment later ascertained, was that neither “union” was very much more than a gaggle of professional organizers, non-worker volunteers, and distant sympathizers. In the summer of 1965, Chavez had been so desperate that he had openly flirted with the Teamsters which was respected in the Valley and had the power to shut down the grape ranches just by pulling out its trucks. He had, of course, simultaneously put out feelers to AWOC, but for the time being, Larry Itliong wanted to go it alone. But AWOC and the NFWA were sadly aware that they needed some dramatic move if, unlike the grapes of Delano, they were not to wither on the vine. Chavez argued that a strike would expose the weakness of his movement. He knew he could make no dent on table grape production in Delano or on the San Joaquin's agriculture. Larry Itliong, however, was more sanguine. He knew what Chavez had yet to learn—that under California's “stranger picketing” law, a “labor dispute” exists “*regardless of whether or not the disputants stand in the proximate relation of employer and employee.*” All that it required to declare that a “strike” existed was to throw out a picket line, even if not a single worker walked off

the job. If so much as one worker went on strike in any given ranch, the Department of Employment could no longer refer people for employment there.

The potential, therefore, for propaganda and obfuscation was tremendous. On September 8, 1965, AWOC went on strike, claiming that its 800 members had walked off the job. For Chavez, Fred Ross, and Dolores Huerta, this created a problem. They did not want to strike for fear of exposing their weakness, but they could not let AWOC take the play away from them. They knew, moreover, that they would not have a corporal's guard of pickets if they relied on legitimate grape pickers. The answer for them came out of Saul Alinsky's manual of revolution—import pickets. Contact was made with “protest” groups in San Francisco, and Ann Draper, wife of Hal Draper, head of the so-called Berkeley Free Speech Movement, promised and delivered 100 pickets. The Student Non-Violent Coordinating Committee (SNCC), the Congress of Racial Equality (CORE), and the W. E. B. DuBois Clubs also guaranteed their help.

On September 19, the NFWA and AWOC held a strategy conference and decided to pool their efforts. The following day, Chavez called a “strike” of the grape pickers, and pickets appeared at intersections in Delano and on the blacktop roads that intersect the grape fields. What amounted to a shuttle service between San Francisco and Delano was set up, bringing busloads of students, some professors, and other ready to pose as strikers in return for food, lodging, and pay. The attitude of the pickers was summed up by Dolores Mendoza, an energetic and outspoken worker, when she said, “There are people here who don't even belong in Delano. Those are the people following Chavez. In the picket line, there is none of us workers, none of us people. They got the hippies from San Francisco, they got Mexicans who never worked here that Chavez brought in from across the borders. But not us.” And Bea Aglipay, a worker herself and married to one, would say later in my presence to Jack Pandol, one of the growers, “If we wanted a union, we'd have one. You couldn't stop us. Nobody could stop us. We're not fighting Chavez because you don't want a union. We're fighting him because he's not one of us, because he's a phony, because we can make out better without him—that's why!”

This, of course, was not what reached the newspapers. Instead, the stories reported, quoting Chavez, that “thousands” had gone on strike in Delano; that the vineyards were shutting down because the workers had walked off the job. Other press accounts reflected “union” claims: “All the workers in a camp on the Lucas and Sons ranch near Earlimart have quit and the camp has been closed... The strike has taken hold. Over 1,000 workers are out on 10 ranches. Over a hundred men have stopped work at Caratan—the reports come in thick and fast.” But when the Department of Employment, at the request of the two “unions” came in to certify the strike, the press was mercifully silent—and it was not until years later that the figures were publicly released. Under oath, Albert Tieburg, Director of the Department of Employment, summed up the great “strike”:

“During the late summer and the fall of 1965, the Department investigated 34 alleged labor disputes in the Delano area involving various grape growers and two unions, the Agricultural Workers Organizing Committee and the National Farm Workers Association. In 15 of these cases, the investigation revealed that some employees had left their work because of the dispute... However, in 16 cases it was found that although there was a labor dispute, no workers had left because of it... In the remaining three cases, the Department

found that no valid labor dispute existed at all”—meaning that there wasn’t even any “stranger picketing.”

An official breakdown of these cases shows the “magnitude” of the strike:

In the case of M. Caratan, Inc., the union said that 54 workers had walked off the job, but it could only produce 5.

Andre Caratan, another grower—the union alleged that 142 workers had walked off, but could produce only 4.

Louis Caric & Sons—AWOC claimed that over 100 workers had struck, but could produce only 2. The NFWA claimed that 25 to 30 of its members walked off their jobs at this ranch, but it could only produce 2.

Jake Cesare & Sons—AWOC claimed that 17 had walked off, but it could produce only 2 people. The grower said that 17 had walked off, 15 of them because of fear of union reprisals, but that they were back at work.

Di Giorgio Fruit Corporation—“The National Farm Workers Association president, Mr. Chavez, alleged that 20 workers walked off the job on September 30th, 1965, and that during that afternoon an additional unknown number refused to work. Mr. Chavez further indicated that on October 1st, the next day, approximately 45 to 60 men who had been working there refused to go back to work for this employer... Four workers were produced.”

Schenley Industries, Inc.—NFWA furnished the Department of Employment with the names of 30 strikers. A check of payroll records showed that only 5 of the “strikers” actually worked for Schenley—and three of them returned to work the following day.

Vincent M. Zaninovich & Sons—3 strikers.

Mark Zaninovich—6 strikers.

A & N Zaninovich—AWOC produced a list of 32 names of strikers but only 6 actually had walked out.

J. D. Martin Ranch—NFWA said 60 workers had struck, but the actual number was 10.

Jack Radovich—AWOC claimed that “approximately 500 workers” had struck. The Department was able to verify that only 2 people had walked out.

Frank A. Lucish—Though it was alleged that 59 workers had struck, the union could produce only 2.

The Giumarra Vineyards Corp.—The union contended that “approximately 200 workers left their jobs because of the dispute.” Only 1 worker was produced, but he said that some 40 others had left with him. Investigation showed that they had quit before the strike began.

Bruno Dispoto—2 strikers produced by the union.

Sandrini Brothers—“Five workers were produced by AWOC for the Department to interview and four of these workers indicated that they had left before the dispute began so we have one affidavit in our files indicating a worker who struck as a result of this dispute.”

In short, the Department of Labor’s investigators were able to produce 55 strikers, not the “thousands” that Cesar Chavez, the Migrant Ministry and the wayward clergy, and the eagle-eyed press—writing on the basis of NFWA and AWOC handouts—so eagerly reported. By any terms except those of a man with Messianic and/or Napoleonic visions of

himself, the Delano “strike” was an unmitigated failure. But Cesar Chavez read his press notices and knew he had something. The year 1965 saw one of the biggest grape harvests in California history, picked and shipped by the regular crews of pickers making record wages—but the world would never know this. What the world heard was the preachments from St. Ambrose Church in Chicago that “working conditions” in Delano remain “among the worst in the nation,” or those from Precious Blood Church, also in Saul Alinsky’s Chicago, that “the grape growers refuse to recognize the union, insist on very low wages and inhumane working conditions and have replaced strikers with scab labor.” None of these statement was true, but the falsehood was sanctified by the clergy and the innocent were taken in.

But this was to come later. During the first days of the NFWA-AWOC strike, Chavez still believed that he could terrorize the growers and the workers into signing with him. To this end, he developed a two-pronged strategy. To the press, and to the California clergy, he preached the virtues of non-violence. On the picket line, it was something else. The Chavez recitals of the “beauty” of non-violence were forgotten, with harassment and provocation becoming the order of the day. Chavez has, of course, blamed the growers and the police for their “attacks” on the pickets—but his accusations are somewhat sullied by his penchant for the half-truth and the outright lie. In fairness to him, however, it should be understood that Chavez operates on the doctrine that the ends justify the means—that whatever is done, no matter how reprehensible, is justified by the sacredness of his cause. It is a dangerous doctrine, but hardly unknown in the world.

In the early days of the strike it was the Chavez tactic to try to provoke the workers in the fields to violence against the pickets. Since Mexicans and Filipinos have short tempers when they are insulted, the pickets would stand at the edge of the fields calling the women “whores” and the men “pimps.” A standard gambit was to broadcast via bullhorn the Jack London definition of a scab—“ a two-legged animal with a corkscrew soul, a water-logged brain, a combination backbone of jelly and glue...a traitor to his God, his country, his wife, his family, and his class.” Obscenities were shouted reflecting on the paternity of the pickers and their children, the fidelity of their wives—abuse at which Dolores Huerta was particularly adept.

One Chavez organizer bought several thousand marbles from a Delano shop which were distributed to pickets. With slingshots, the marbles proved to be a maddening weapon, and a punishing one, when used against women and men in the fields. From time to time, there was .22 caliber rifle fire, carelessly aimed to frighten rather than to wound. This ceased when the pickers took to carrying hand-guns and knives in their boots. That there was no counter violence and bloodshed can be attributed to the growers who roamed the fields arguing with the workers that trouble and violence was precisely what the Chavez union wanted. Today, now that the growers have succumbed to union pressure, there are pickers in Delano who told me: “We listened to the ranchers and did nothing. Now the ranchers have sold us out to Chavez. If we had killed a few people and beaten up a few more, maybe we wouldn’t have lost all our rights to Chavez and the growers.

The bitterness runs deep. Listen to Shirley Fetalvero, when she testified in July 1966 before a California Senate Fact-Finding committee on the Delano situation. Mrs. Fetalvero had painstakingly written down her testimony. It was in good high-school English, unlike

the testimony of Ted Ramos, another worker, who spoke with no preparation and out of his indignation. Mrs. Fetalvero took her reputation in her hands when she appeared.

“Last March the United States Senate subcommittee on Migratory labor held a hearing here in Delano to study the farm labor situation,” she said. She was referring to Senator Robert F. Kennedy’s much-publicized junket and Chavez love feast. “I was scheduled to appear before that committee. The night before the hearing, I was told if I appeared before the committee a part of my past, which I would very much like to forget, would be brought to the public’s attention and used to discredit me and my testimony.

“I have a 13-year-old son and 14-year-old daughter. I felt to appear before the committee would be subjecting me to public ridicule. I could not do this. The National Farm Workers Association and the Agricultural Workers Organizing Committee scared me away from the hearing. I still believe a mother is obligated to protect her children but it is equally important she be an example to them by having the courage to defend American principles and ideals regardless of the cost.” At this point there were hoots and boos from part of the audience.

“In the past ten months, two unions and the Migrant Ministry have tried to force us into compulsory unionism. The union’s massive propaganda machine has led the public to believe there are thousands of desperate, ragged and starving farm workers on strike in this area. This is not true... Those of us who have resisted the union organizing efforts have been beaten, shot at, deliberately rundown by cars driven by so-called strikers. Our hoes have been picketed. In short, we have been subjected to every imaginable form of harassment and intimidation both at home and while we work.

“Twelve hoodlums forced my husband to go to the union hall where he was told we had better cooperate or else. At the district attorney’s office we were told these men could not be prosecuted because they had put my husband in our own car and told him where to drive. The unions knew we had been to the authorities. With no other means of protecting ourselves we were forced to obtain a restraining order. This cost us our savings...

“Despite these unnerving conditions, we have continued to work and support our families. There are a few local people on the picket line. Most of them are old-age pensioners and welfare recipients. The picket lines are being manned by professional and campus agitators as well as such groups as the W.E.B. DuBois Clubs and the Students for a Democratic Society* ... We resent the union’s invention of an ignorant, starving downtrodden class of farm workers where none exist...

Gentlemen, our dilemma is certainly a complex one, for we not only fear forced unionization but also employers like Schenley. If the unions are successful with secondary boycotts, the growers force us to join the union. Our rights are being denied us. We do not have freedom. We have compulsion and intimidation when an employer can sign a contract without the workers having the right to vote for or against unionization. This is against our Constitutional rights...”

* Chavez ran ads, coupon included, which read: STUDENTS! Students are needed to work for the Farm Workers Union in Delano this summer. Anyone who volunteers to work and is accepted will get free room and board and \$5 a week. If you are interested, please fill out this form... You should hear from the union soon ...”

Ted Ramos told his story passionately, colloquially, ungrammatically—his dark face alive with the indignation and frustration of a man who sees wrong being done but who cannot prevent it. “I’m testifying here not in behalf of a big organization or any groups or any union but to testify to the truth of what is going on, about the ‘labor dispute’ here in Delano...

“I have been here in Delano since 1931 when Delano was a village. I don’t know whether it’s called a city or not, but across the tracks on the west side there was only one street... Behind and beyond that street were all field. So since when I have started here, I have witnessed the growth and progress of Delano...

“Before the strike came any restaurant or any bar, any gathering, you cannot only see only white races or Americans or Filipinos or Mexicans, but all kinds of people are there and you could see the good times they had with one another because there was understanding and harmony among ourselves. But as soon as this trouble came in...”

The day after the strike was declared, Ramos testified, “came two union men in my house. It was about 7:00 o’clock, getting almost dark when they came. I opened up the door for them so one of the men that came in, he asks me, he said, ‘Ae you Ted Ramos?’

“ ‘Yes, I am Ted Ramos,’ I said, ‘Who are you?’

“So, he said, ‘I am the organizer of the labor union here. Could we come in to discuss some matters with you?’ So as soon as he came in I said, ‘What’s in your mind?’

“He said, ‘Well, you know what is is. We are striking the company you are working for and we don’t want you to go back to work there any more.’

“ ‘I said, Oh/ That’s a pretty good one. You mean you came to my house and tell me what to do right inside my house? I’m not a member of the union.’

“So he said, ‘Yes, I but you better not go out there because you might hurt. In fact, there’s a lot of people now that are mad at you.’

“ ‘Why,’ I said, ‘why are they mad at me? Did I do anything to you people?’

“He said, ‘Yes.’

“ ‘Is that all you want me to do, just stay home and don’t go to work?’

“He said, ‘Yes.’

“ ‘All right, I’ll do what you told me, but I want you also to do what I’m going to tell you.’ I said. ‘This couch that you’re sitting down on cost me \$250. The other one is almost \$300. In this house, I’m paying \$120 a month besides the utilities and everything else, so my expenses are up to \$350 to \$375 a month. Now, if you guarantee me you can take care of this at the end of every month, I’ll go with you.’ There was no response so I went back to work...

There was intimidation, threatening, and harshness. It was gone as far as telling me they are going to put me in a sack, dump me in the canal. I had the feeling they were going to throw dynamite at my house. They were saying they were going to pull out my crew foreman and dump her in the canal. This I had reported to the proper officials here in Kern County as well as Tulare.

“There was one night that it looked so bad that I called up my employer, the Lucas Company, and told him that the pressure is so bad that they had to send one security guard in my house the whole night... There are times that when I go to work I have to look back first who’s right beside me, who’s in the next alley, before I can go to work. There was one

time I was to work there and there were two guys that followed me to the field, but this didn't make me give up because if I do, what I had earned for so many years since 1930, 1931, I will lose it in a few weeks...

"When the truth comes, it hurts. Now, the people in the picket line who harass and intimidate us in the field are not residents of Delano. They are not even farm workers. Some of them are students and I also wonder why a student is being used in a picket line when the picket line is the most un-decent place where you could observe vulgar words, profane language, calling people names and whatnot there... In fact, there are some that call me by my names, 'Ted Ramos, are you working? Why are you working when you cannot get anything out of that money because you are going to die'... Also the same afternoon...there were nails against our tires and also a scratch on the side of the car. They took off the radiator and dented the plates...

"In 1931, '32, '33, in those days we worked for 14 cents an hour. Then comes 15 cents an hour. Then 25 cents an hour until our salaries are right now \$1.40 cents an hour* and we didn't use no union to go and bargain for us. We, the workers, we, the laborers, ourselves bargain with the growers... There was one in the picket line who has a good suit and a necktie and I asked him, I said, 'Look, we're getting here \$1.40 now. If they would pay you \$2 would you come in and prune?' He said, 'No, I don't want to... I'm not going to prune.' "

Two aspects of the picketing particularly disturbed the workers. When sending men out to the fields did not work, the union resorted to "residential picketing." Signs vilifying the grape pickers by name were paraded in front of their homes, bullhorns were employed, and the occupants were taunted to come out. In some of this residential picketing, priests participated—as they had in the fields. Father Mark Day, who constituted himself a kind of chaplain for the Chavez Union, participated in this "residential" action. "Oh, God, bring these stupid people out of their homes," he was heard to shout on one occasion. Other priests, from the picket line, called out that it was a sin to continue to work, a sin not to join the union. Since most of the workers were Catholic, their reaction was one of chagrin and bitterness.

* Base pay. At the time, the pickers were getting a minimum 15 cents a box of grapes picked, bringing the actual pay of most workers up to \$2.25 to \$2.50 an hour. Those who were fast pickers could forego the base pay and work at a flat rate of 50 cents a box. During the pruning season, moreover, workers were making as much as \$45 a half-day.

III. "Little Cesar" At Work

At the start of the Cesar Chavez operation, it was clear that he was out to make a record—not to organize the grape pickers of the Delano region. He knew, as a result of his efforts before AWOC had forced his hand, that the workers were not interested in unionization. For agricultural labor, their pay was excellent. Their relations with their employers were amicable. And they knew that, year after year, they could get reasonable wage increases. The "green carders"—Mexicans who came across the border ostensibly to "settle" in the United States, but actually to take part in the harvest and then return home

with enough to carry them for the rest of the year—were no threat in Delano because of their small numbers there. * The pickers, in fact, were convinced that it was the NFWA’s strategy to sign up the growers in closed-shop contracts and then to become a labor contractor using Mexican labor to oust the independent Delano workers.

The record Cesar Chavez sought to make had to be compounded of two elements. The world was to believe that he was the chosen of his people in the San Joaquin Valley—an idolized Mexican martin Luther King for whom the child-like workers prayed and before whom they stood in love and wonderment. For this, he needed outside help, but this was not difficult to find. With Saul Alinsky and the widely ramified Industrial Areas Foundations working the Church and the “protest” movement like a hand-pump, Chavez was able to fill the mourner’s bench in no time.

The second element of this record required more skill in manufacturing. Chavez had to plead for non-violence by fostering violence, to demand that the voices of the workers be heard while stifling them, to insist on collective bargaining with the growers while preventing it at all costs. Chavez and his lieutenants knew that they would lose every representation election. They therefore had to demand it in such a manner that they would be turned down. They knew that without such an election—or its equivalent, signed cards from a majority of the pickers—the growers could make mince-meat of them in negotiation. Therefore, they had to make certain that the growers would seem to refuse any across-the-table confrontation with the NFWA.

Cesar Chavez, who carries within his 5-foot-6 frame an unerring instinct for the jugular and one of the best developed public relations senses in the United States, faced up to this challenge with professional skill. From the Mexican-American tough who had brawled in poolrooms and movie theaters, who had driven a taxi in one of San Jose’s roughest *barrios*—Sal Si Puedes, (leave if you can)—he thrust himself on the general public as a Ghandi-like character of infinite patience and understanding who spoke with charity of the same growers who were pilloried regularly in his newspaper, *El Malcriadoi*. To the workers whose cause he was presumably fighting for, he made himself as inaccessible as possible—giving them his benediction, as it were, from the balcony of St. Peter’s, while his lieutenants booted them from the rear. His good works in preventing violence filled many interviews with the press, but they must have occurred in Cana, since no one in Delano when questioned by diligent reporters could remember having witnessed them.

His method was very simple, very effective—and exemplified by one episode to which a reporter and a law enforcement official can both testify. At 5:30 on a Sunday

* The term “green carders” comes from the green card, which the Immigration and Naturalization Service issued to the Mexican workers who came over the border into the United States. Chavez has charged that the growers were ditching their resident workers, replacing them with “green carders” at much lower wages, using the threat of expulsion from the country if they did not accept what was offered. In point of fact, the terror campaign has been a Chavez instrument. When I was in Delano, “green carders” complained to me that they had been told by union people and by immigration officials that if they continued to work for “struck” growers, they would be deported. These “green carders,” incidentally, could speak almost no English.

morning, Cesar Chavez stood before CBS television cameras in front of a shockingly decrepit hovel, to expose the condition of life in Delano. He pointed to the deserted streets to show the effectiveness of his “strike.” It was very dramatic, and it must have brought tears to his out-of-state supporters. There were two big catches. To begin with, the hovel was a condemned building—and no one had lived in it for many years. And, of course, the streets were empty of traffic as they always were and always will be on that day and hour. That a television crew should have lent itself to this deception was shocking to the workers of Delano. More shocking, in the context of the Chavez saintliness, was his participation. But it worked.

Cesar’s approach to the growers was equally contrived. The story of the organizing drive at the Bruno Dispoto ranch tells the tale.

Early in September of 1965, as Bruno Dispoto himself testified under oath, he was informed by his ranch foremen that his Filipino employees were being threatened with physical violence by union organizers if they continued to work. Dispoto personally met with his pickers who told him they wanted no part of the union and he reassured them that they would be safe if they continued to work. “Initially there appeared to be some confusion as to which group or groups were seeking to represent our employees,” Dispoto has testified. Of more significance in the light of Chavez’s assertion that the growers refused to meet with him is Dispoto’s statement—and it can be matched by those of the other growers—that “during this period no demands were ever made on our company from any organizing group to represent our workers in matters of their wages, hours, or conditions of work.”

Dispoto’s first official notice that he was the target of the NFWA-AWOC coalition was a notice from Albert Tieburg, director of California’s Department of Employment, that a “labor dispute” existed because two workers had refused to work for him. (In actual fact, no workers went on strike. The two men were ringers who were not employed by the Dispoto ranch.) The next official notice came from the Chavez union in the form of a communication received by registered mail on December 14. It stated:

“in the light of *your continuing unwillingness* to enter into collective bargaining conversations with the National Farm Workers Association, we have proceeded to organize an international consumers boycott which will affect directly the sale of grapes and/or grape products sold by your ranch. In that National Farm Workers Association wishes you no harm, we respectfully request that you contact this office...before 12:01 a.m. Wednesday, December 15th, 1965 in order to negotiate a written contract. In case negotiations have not begun before the above deadline, the boycott will become effective immediately. (Emphasis added.)

“(signed) *Cesar Chavez*, General Director.

In other words, Chavez had given the ranchers less than one working day in which to respond to his ultimatum. Once more, Dispoto consulted with his workers, who saw the “strike” as an annoyance, particularly when it impinged on their personal safety, but thought of Chavez and his “causa” as something of a joke. When they told him they wanted no part of the Chavez movement, Dispoto—and the other growers as well—assumed that the rules of collective bargaining applied to him. Like his fellow growers, he

simply ignored the letter—a serious mistake, since that was precisely what Chavez wanted. On December 23, the second shot dropped. In concert with Chavez, AWOC sent its own ultimatum, demanding that Dispoto meet with Larry Itliong to discuss a contract. In effect, then, both AWOC and NFWA were claiming that they represented a majority of the Dispoto workers—and Dispoto was placed in the position of “defying” one or both unions no matter what course of action he took. (In a sense, he was more fortunate than some of the other growers. There is evidence on file showing that in at least one other case, the letter of ultimatum arrived after the hour and date set by the unions for a meeting.)

Dispoto felt doubly assured of the probity of his actions when he received a telegram from Tieburg of the Department of Employment which stated categorically that, after investigation, the following determination had been made: “No evidence has been presented to this department to support a finding that there has been a leaving of work by employees of this grower because of this labor dispute.” It was, in fact, a “labor dispute” only by virtue of the “stranger picketing” clause of California’s labor statute.

It was at this point that the growers made their greatest mistake. They shrugged their shoulders and went back to the job of picking the year’s record growth of grapes. They could not see how a couple of platoons of “strikers” out of more than a division of workers could have any economic impact on the table grapes industry. They looked out at the motley group of picketers—Berkeley hippies, shouting Catholic priests and Protestant ministers, and a handful of bully-boys from San Francisco’s waterfront unions and saw no threat to themselves. Delano’s businessmen fumed and grew apoplectic over the depiction by Chavez of their city as some kind of agricultural ghetto, but the growers assured them that it would all pass away. They were less philosophical when the unions began a systematic campaign of arson against their packing sheds, or when they went into the fields at night and sprayed the grapes with paint,* but since only a few of them were affected by these acts, the indignation was minimal.

“In March of 1969,” a Delano official told me, “flammable liquids were thrown into an open packing shed on Glenwood Street. As it happened, the fire was spotted before it got a good start, and there was not much more than \$500 in damages. In April, a Molotov cocktail was thrown against the north end of that shed. It fell to the ground, and there was no damage.” A black Volkswagen, observed leaving the scene, was traced to a little bar in Delano where the UFWOC people hung out. The two men who had been in the VW were questioned and produced some 40 Chavez people who swore they were attending a meeting at the time.

The arsonists were more successful when they burned down a Dispoto packing shed. “The loss from that fire,” said the Delano official, “was about \$160,000—\$60,000 on the building and \$100,000 on the contents”—harvested grapes. There were also repeated incidents in which stacks of boxes, to be used by the pickers for packing grapes, and piles of stakes, to be used for the vines, were burned.

The greatest problem the growers faced was the rising tempers of their workers—subjected to obscene taunts on the way to the fields, and to the indignity of being picketed

* This I saw myself.

at home by strangers and priests who called them “scabs” or worse. It is not being sentimental to note that among the grape pickers of Delano, there is a great sense of the fitness of things, a certain quiet dignity. When they describe the tactics of the Chavez union to a newspaperman, they lower their voices when they repeat the obscene language. Their reaction, therefore, to the picketers’ gibes was murderous—and only repeated admonitions from the growers prevented the pickers from visiting mayhem on those who taunted them. There was no way that Cesar Chavez could break through to the workers—and with them against him, the growers would not bend. Neither grower or worker read the *Saturday Review*, the *New York Times*, or the Diocesan organs of the Catholic Church. What appeared in the so-called underground press, what was said from pulpits, or what labor leaders printed in their subsidized newspapers meant little or nothing to the people and workers of Delano. But Cesar Chavez had done his homework well when he was being tutored by Saul Alinsky. He knew that if he could reach those affected by the media, he could strike economically at the grape pickers and their employers. When he spoke of the “downtrodden” and “persecuted” in the San Joaquin Valley, he had struck a responsive chord. Now his job was to keep that chord vibrating, to keep the maw of the propagandist well supplied.

From the start, skillful orchestration was Wagnerian, his *leit-motifs* handled. To the civil rights and revolutionist elements in his following he spoke not of wages and hours but of using the strike weapon to change the face of America. He preached the break-up of the San Joaquin Valley ranches into 40-acre holdings, each one run by a family which would take its livelihood from it and—if there were any profit—turn that over to the owner of the land. Since he was talking mostly to middle-class urban dwellers, he did not have to explain that it would be un-economical to farm such small plots and that the net effect of his “land reform” would be to lower productivity to the point of bankruptcy for the beneficiaries of his “plan.” To the clergy he spoke in terms of simple faith and messianic hope. To the press, which he kept virtually isolated from the workers, he cited wage-hour statistics and annual-income earning which had little relation to fact. He never mentioned, for example, that studies made by the National Campaign for Agricultural Democracy—crusading for farm worker “rights”—had conceded that the average earnings of a migrant farm family in 1965 was \$8,685.00 a year—hardly starvation wages.

But most of all, he left nothing to chance. Reporters never had any further to go for “facts,” “figures,” and “case histories,” than the Chavez union headquarters, first in Delano and later at “Forty Acres”—a tract of land outside the city. When a delegation of clergymen, in high outrage over the alleged maltreatment of the pickers, traveled to Delano to confer with city officials, a press release expressing disappointment over the outcome of the discussions was in the hands of reporters half an hour before the meeting began. This prompted a Delano city official, who had participated in the meetings with the clergy, to say: “When a priest, a preacher, a rabbi, or whatever, claims to go by that Book and sits there and tells a bald-faced lie or distorts the truth, then he has no business in the profession.”

But it was not only clergy who were singled out by Chavez. He sought and won over those who could make headlines or had their own independent forums, the opinion makers, the rich, and the powerful. They formed a ready-made sounding board for him—

never questioning his statements, never seeking independent corroboration, and steadily contributing to the impression that Chavez must be right if they were for him.

Organizationally backing Chavez and his union were:

The AFL-CIO, admittedly contributing more than \$2 million, plus the know-how and muscle of its publicity apparatus:

The United Auto Workers, contributing funds plus services;

Harry Bridges' ILWU;

Paul Hall's Seafarers Union;

The American Civil Liberties Union;

The Black Panthers;

Students for a Democratic Society (SDS);

The Congress of Racial Equality (CORE);

The Student Non-Violent Coordinating Committee (SNCC);

The Progressive Labor Party (Maoist);

The Communist Party of Alameda County;

The Brown Berets;

The California Democratic Council;

The W.E.B. DuBois Clubs;

The Vietnam Day Committee;

The Migrant Ministry of the National Council of Churches;

The Catholic Bishops' Conference of California; etc., etc.

Individuals included:

AFL-CIO President George Meany, who would be spinning like a top in his Washington office if he knew what Chavez really had in mind;

Walter Reuther, who walked the picket line with Chavez and approved heartily of his "revolutionary" ideas;

Senator Robert F. Kennedy, who later expressed some second thoughts as to Cesar's sincerity, but who would make no public break;

Mrs. Ethel Kennedy;

H. Rap Brown;

Bishops and clergymen galore;

Stokely Carmichael;

Steve Allen, who walked the picket line while TV cameras rolled;

Reies Tijerina, the Mexican-American advocate of violence, who called for the death of the growers at Chavez rallies;

Vice President Hubert Humphrey;

Senator Eugene McCarthy;

Mayor John Lindsay of New York, and his deputy, Timothy Costello;

Actors, singers, and entertainers by the score; television commentators; etc., etc.

The more affluent of these people passed the hat around at "radical chic" parties, circulated pictures of starving babies and hard-eyed, cigar-smoking cops, and discoursed learnedly on the evils of migrant labor. Few bothered to note that while Senator McCarthy bemoaned the fate of California's table grape picker, he remained silent about the deplorable conditions in his own state. They all spoke of "*la huelga*"—which simply means

“the strike” in Spanish—as if the word denoted a holy war. But they needed some action, some drama, some successes to feed their enthusiasm—and this Cesar Chavez proceeded to supply, in the shape of a “march,” a “fast,” and a “contract.” All three were typical Chavez operations.

The “march on Sacramento”—to accept the official Chavez version—came into being spontaneously in mid-March of 1966. At that time, Chavez informed the police of Delano that his strikers were going to parade through the streets of the city and then continue to Sacramento. Informed that they would need a permit, Chavez said that the decision had just been made and that there was no longer time to go through the formalities.

“O.K., I tell you what,” said Police Chief Ailes, “you won’t need a permit if you just let the people walk down the sidewalk. If you stay on the sidewalk, it’s not a parade and you don’t need a permit.”

Chavez agreed to this, but the following morning, March 17, Ailes got a call that Chavez people were congregating in front of the Filipino Hall, with press and TV cameras representing some eight stations. The media, in fact, seemed to outnumber the 66 marchers that Chavez had been able to gather—and they were preparing to parade. “You don’t have a permit for this,” Ailes said. “Well, I would just like your cooperation,” Chavez said. “Well, I would like yours for once,” said the police chief. It was clear to him that Chavez wanted the parade broken up, in the presence of the TV cameras. The “marchers” were just not prepared for walking hundreds of miles. Calling the city manager on his car radio, Ailes said: “We can stay here till hell freezes over. We can arrest them for unlawful assembly. Or we can back off and let them go through.” The city manager asked Ailes for his advice. “All they want is publicity,” Ailes said. “They want an incident. Let’s let them go through.”

With no preparations for the long march, the 66 “strikers” set out. But word was flashed ahead, and as they proceeded out of the valley, they were joined by bands of SDS sympathizers, assorted hippies, and sympathetic members of other unions. By the time the “marchers” reached Sacramento, on April 10, few of the original contingent remained, but between 1,000 and 1,500 students and other sympathizers had descended in busloads on the state capital, and it was this crowd which TV commentators on the evening news hailed as striking grape pickers who had walked from Delano to present their case to the legislature and to Governor Edmund (Pat) Brown, who respectfully “requested” a meeting with Chavez.

By every standard except one, the “march on Sacramento” had been a fiasco. Even had all 66 of the “strikers” from Delano been able to make it, their numbers would have been pitifully small compared to the many thousands who continued to work. But Chavez was not out to impress the growers or the pickers. His sights were set on the great audience outside the state. Luck was with him, too, for as the “marchers” approached Sacramento, Schenley’s—which owned vineyards in Delano—announced that it was ready to negotiate a contract with Chavez and the National Farm Workers Association. The Schenley decision had been made even though the State Department of Employment had reported that “of 29 individuals who claim to belong to some labor organization while employed at Schenley, it was found that 23 of them had not been on the payroll at any time during the period in

question, and that five had worked on the Delano ranch only from four to six days, and that all had left.”

Schenley had capitulated for one reason alone. Its table grape interests accounted for less than 2 percent of its business. But liquor stores in New York, Chicago, and other major cities were being picketed by Chavez sympathizers. Schenley knew that its workers in Delano did not want to join the union. But business is business. In the top reaches of the company, it was decided that the pickets—though they had done little to hurt business—were injurious to Schenley’s corporate image. The Lenten march to Sacramento, highlighted by frequent church services, with Chavez sympathizers making sure that TV cameras recorded the carrying of crosses, seemed like an appropriate time for Schenley to turn the other cheek.

There was jubilation in Chavez ranks—but it was short-lived. Unable to get men from the union to work its Delano vineyards, Schenley plowed them under.

IV. Case Study In Compulsion

As manifestations of worker support for Cesar Chavez and his union, the “march” on Sacramento and the Schenley capitulation were meaningless. In Delano, the pickers knew that there had been almost no local participation in the march. And they saw at first hand that the inability of the NFWA to carry out its contract with Schenley or to function as a trade union had cost them hundreds of jobs. Opposition to Chavez among the pickers increased, rather than the opposite.

But Cesar Chavez and his associates had long since given up hope of winning over the pickers. Their strategy was to compel the growers to sign, against the wishes of Delano’s labor force. This required outside pressure, and to encourage it, only the appearance of victory was necessary. What few members the NFWA had were therefore dispatched to the large cities to preach a gospel of their present misery and of the overwhelming backing that Delano’s pickers were giving Chavez. Their major message, however, was more practical. With Schenley out of the way, Chavez was focusing on the Di Giorgio Corporation, one of the larger growers, which also owned S & W Fine Foods. Boycott Di Giorgio! Boycott S & W!” the NFWA’s representatives cried.

Privately, Chavez realized that a boycott might not do any substantial damage to Di Giorgio or to S & W Fine Foods. It was a way to make headlines and to keep the faithful busy. As a student of the Alinsky method, he knew there were more effective ways to strike at the growers—harassment of the supermarkets which bought Delano table grapes. The technique was simple. A number of supermarkets in New York, Boston, Chicago, Philadelphia, and other large cities were selected. Then individuals from friendly churches, civil rights groups, and New Left organizations were trained to enter these markets, fill up carts with various foods, mostly perishables and S & W products, and block the checkout counters by refusing to move through. At the same time, these “demonstrators” were to shout their slogans and accuse the managers of the supermarkets of “strikebreaking.”

For a while, the AFL-CIO joined in these tactics by declaring, through local unions, its own boycott with threats of strikes by clerks and others in the supermarkets. This tactic would have been highly successful had it been allowed to continue. Unfortunately for

Chavez and the NFWA, this constituted a secondary boycott on the part of the AFL-CIO, which is forbidden by the National Labor Relations Act. Threat of suit against the unions by the supermarkets and an order to desist from the National Labor Relations Board forced the AFL-CIO to call off its direct pressure—but President George Meany and other labor leaders continued their financial and publicity efforts in behalf of the boycott.

Though sales of Di Giorgio products were not markedly affected by the “war on the supermarkets,” the harassment campaign succeeded to this degree: The supermarket chains complained of the disruption and began pressing Di Giorgio and the other growers to come to some kind of terms with Chavez. But it became apparent very quickly that negotiating with Chavez and the NFWA was about as fruitful as coming to terms with Hitler. The union demanded complete and unconditional surrender, and nothing else would suit. Time after time, the Di Giorgio Corporation would offer concessions to Chavez, but these were always turned down.

The cat-and-mouse game with Di Giorgio began when, at the very beginning of the “strike,” in 1965, the corporation received a letter from the union demanding a meeting. The letter arrived by registered mail exactly one hour and 15 minutes after the time set by the union ultimatum. The idea of having a union in its vineyards did not particularly upset the Di Giorgio family. In its varied operations, it had 26 collective bargaining agreements with unions representing 1,800 of its employees. Nor was it worried about wages and hours. As Robert Di Giorgio would testify later, “In our peak work period of girdling, for example, in May we had approximately 200 workers in this operation. Fifteen percent made the basic wage of \$1.40 an hour, 24 percent averaged \$1.71, and 49 percent averaged \$2.52 per hour—with a top of \$5.40 per hour.” The family policy had been to set up no obstacles to unionization—if the workers wanted it. And the grape pickers of the San Joaquin Valley had made it absolutely clear that they wanted no part of Cesar Chavez or his NFWA.

On April 6, 1966—to ease the pressure from the supermarkets and the wholesalers—Robert Di Giorgio sent identical letters to the NFWA, to the AWOC—now more and more an appendage of the NFWA—and to the Kern-Tulare Independent Farm Workers Association. Each of these unions was offered an election in the grape fields. The elections, Di Giorgio guaranteed, would be supervised by the State Conciliation Service whose offices had been made available by Governor Brown. AWOC and the Chavez union ignored the letters and the offer.

The Conciliation Service, however, scheduled a meeting to be held in Fresno on April 19. The Di Giorgio Corporation and the Kern-Tulare Independent union were present, but AWOC and the NFWA did not appear. In fact, they ignored the Conciliation Service offer. On that day, however, the NFWA called Di Giorgio and asked for a meeting on April 20. Bruce Sanborn, a Di Giorgio vice president, and Donald Connors, the corporation’s attorney, met with Chavez, Fred Ross, and Dolores Huerta. The union strenuously objected to two pre-conditions that Di Giorgio had set on unionization—provisions in a collective bargaining contract which would bar strikes at harvest time and set up machinery for compulsory arbitration of disputes. Chavez also objected to any representation election on the ground that it would be unfair because some of the “strikers” had returned to Mexico.

“I want immediate and unconditional recognition of the National Farm Workers Association as the representative of all Di Giorgio workers,” Chavez said.

Di Giorgio was willing to make concessions. “We told them that if they could prove the NFWA membership of any of the handful of workers who walked off the ranch at the inception of the so-called strike, we would count these as NFWA votes even though the persons were not present and voting,” Connors points out. “We also discussed modifications of the no-strike and compulsory arbitration provisions. They continued to press for unconditional recognition. They stated that they could not consent to any election to be conducted by the State Conciliation Service. Since the Conciliation Service cannot conduct an election without the implicit consent of all interested parties, this attitude effectively removed the Service from the picture.”

The debate continued for about two hours. Then Chavez asked for a recess. He and the rest of the delegation thereupon disappeared for well over an hour. Shortly after their return, Chavez received a phone call. He then informed the Di Giorgio people that one of the company’s security guards at the Sierra Vista Ranch had clubbed a woman picket on the head and that she had been hospitalized. Under the circumstances, Chavez said, he could no longer conduct negotiations.

The charge, however, was a complete invention. During the “recess,” it developed, Chavez had contacted the pickets at the Sierra Vista Ranch and ordered them to precipitate some kind of altercation. The police had moved in to restore order and one of the pickets had been struck by a deputy sheriff when he resisted arrest. This manufactured “incident” provided an excuse for ending the discussion.

On May 5, 1966, Connors met again with union officials. Representing the union were Chavez, Ross, Mrs. Huerta, the union lawyer, a member of the Migrant Ministry, and William Kircher of the AFL-CIO. On the table were modifications made by the Di Giorgio Corporation to its proposals for a no-strike-at-harvest clause. Di Giorgio offered to allow a strike at harvest time if the corporation had committed an unfair labor practice. Determination of this would be left to arbitration.

Chavez, however, repeated his categorical demand for recognition of NFWA as the sole bargaining agent without any election. In fact, he stated flatly that NFWA, which was claiming a majority of the Di Giorgio pickers, would not accept an election under any circumstances. If, however, Di Giorgio signed with him, he would consider the possibility of a no-strike-at-harvest pledge, and he might come to some understanding on the creation of grievance machinery.

Several days later, Di Giorgio approached the NFWA for another meeting. Chavez agreed to meet with the grower at the Stardust Motel in Delano. Connors and other representatives waited for well over an hour, but Chavez never appeared. When Connors called Chavez he received no word of apology—simply a statement that the union’s lawyer was in San Francisco. Di Giorgio, casting about for a way to find some agreement with Chavez, turned to the Catholic Church. The devotion of Chavez to his Catholicism had received wide publicity, and Di Giorgio believed that the intercession of a neutral prelate, Bishop Aloysius J. Willinger, of the Monterey-Fresno diocese, would prove helpful. The Bishop expressed interest and said he would consider the company’s request that he supervise a representational election at the Sierra Vista Ranch. He also agreed to send an

observer, Father Roger Mahoney, to future meetings of the NFWA and representatives of Di Giorgio.

On May 10, when the two parties met, Chavez became enraged at the presence of Father Mahoney and demanded that he be ejected. After the priest had left, Chavez demanded recognition without an election and stated once more that “there are no conditions under which I will participate in an election.” There were further meetings between the Di Giorgio Corporation and the Chavez union, but they were equally fruitless.

On June 17, 1966, Bishop Willinger issued a statement in which he called for “a free election among all the farm workers employed by the farms involved in the current dispute. This election must be free from all pressures” and take place on neutral ground. And he stressed the principle of self-determination. The workers had the right to determine whether or not they wanted a union. If they did, it was up to them—not to Di Giorgio or Chavez—to decide which union they wanted. “We remain somewhat mystified,” said the Bishop, “how so-called champions of social justice can applaud unilateral agreements which bind the farm workers without the opportunity of choice on their part.”

This, of course, was exactly what the dispute in the grape fields was about—but Bishop Willinger’s appeal got almost no attention from the national press. It was, however, heartening to the grape pickers and to the Di Giorgio company. As a result of the statement, Di Giorgio retained an accounting firm to conduct an election in Borrego Springs and Sierra Vista—two of its ranches. The accounting firm hired translators and invited observers, including Father Mahoney, to be present. Technically, the balloting should have presented no problems. Despite charges to the contrary by Chavez, most of the Di Giorgio labor force was permanent. Because of the various crops raised by the company, it worked eleven months of the year. Less than one-sixth of the Di Giorgio workers were migrants, for the most part “green carders” from Mexico. During the 1965 and 1966 harvest seasons, moreover, Di Giorgio had found it necessary to hire fewer migrant workers than usual.*

That was technically. In fact, there were considerable difficulties. For one thing, Chavez had vowed to sabotage the election. For another, the Teamsters were being urged by some of the workers—casting about for any alternative to Chavez—to come in. Reluctant at first, the Teamsters had become irritated at Chavez’s bland assertions that his was the only union in the field—and that those who signed up with the Teamsters were “scabs.” On June 2, a Teamster official stated flatly: “Nobody gave Chavez jurisdiction over anybody. We are going to continue to organize farm workers.” A week later that irritation had increased when Father Eugene Boyle, chairman of the Social Justice Committee of the San Francisco Diocese, wrote to the growers demanding that they recognize the Chavez union as the “sole bargaining agent” in the vineyards. Several days later, Father James Vizzard, a

* Di Giorgio payroll records show that wages were good in other farm work. At berry thinning on the Sierra Vista Ranch, for example, of 197 workers employed at a piece rate of ten cents a vine, 6 workers earned \$1.22 an hour but were paid the minimum rate of \$1.40, 31 workers earned from \$1.40 to \$1.70 an hour, and 160 workers earned \$1.80 to \$5.40 an hour, averaging \$2.86 per hour. The records also show that most Di Giorgio workers worked at as many as five different job classifications in the course of a year.

militant priest, called the Teamsters “poachers.”

Nevertheless, on June 24, at the Jo Vista depot of the Southern Pacific Railroad, the election was held. Before the polling place opened, however, some 300 pickets—the usual rattle-taggle of students, Berkeley hangers-on, and civil rights demonstrators—descended on the station. With them was the usual contingent of clergymen, some of them with cameras with which they took pictures of those who voted. As the pickers arrived on busses and in their own cars, pandemonium broke loose. Picketers, in the words of the San Francisco *Examiner*, “hooted and hollered” at the pickers. Bullhorns were used to broadcast warnings that the Chavez union would “get” those who entered the depot. The pole of a picket sign was broken over the head of a Di Giorgio official who was observing. Women in cars and busses crouched on the floor boards so that they would not be identified or photographed. Many took one look at the mob and turned back, afraid to enter the depot.*

In spite of these efforts at intimidation and harassment, 53 percent of those eligible to vote—that is, those who had been on the Di Giorgio payroll at Sierra Vista as of June 15—braved the abuse and registered their choice. The tally: 281 for joining the Teamsters, 9 for the NFWA, and three for the AFL-CIO’s AWOC. For Cesar Chavez, this was a crushing defeat. His claims that the workers wanted him, that he was their leader, and that his “huelga” and his “causa” were popular were reduced to nothing. At that point, any other man would have given up. But other forces were at work—forces remote from Delano and the grape pickers.

In Chicago, Elinar Mohn, who heads the Western Conference of Teamsters inexplicably announced to Archbishop John P. Cody that his union would forego the “present opportunity” to organize the Di Giorgio workers. Though in Delano the Reverend R. B. Moore, a Negro Baptist minister and NAACP official, called the NFWA’s attempt to disrupt the Di Giorgio election “one of the most blatant displays of bigotry and denial of rights” he had ever seen, Chavez himself was crying “fraud” and appealing to Governor Brown to “investigate.” In Washington, at the highest AFL-CIO and Teamster levels, conferences were under way to undo the results of the Di Giorgio election. At stake for the Teamsters were negotiations with President Meany for eventual readmission to the AFL-CIO—far more important than the fate of the Delano pickets. The Teamsters were therefore willing to allow the results of the Di Giorgio election to be put aside, and a deal was made. Chavez would be given the pickers and field workers. The Teamsters would get the men who worked in the sheds and the rest of the non-field employees. This was the signal for Governor Brown to appoint Robert W. Haughton, a labor specialist at Wayne University in Michigan, to investigate the June 24 election. The result of that “investigation” was a foregone conclusion: Haughton ordered a new election. A commentary on the why and how of his decision can be found in the official record of the hearings held in mid-July of 1966 by the California Senate’s Fact Finding Committee on Agriculture.

SENATOR WAY: (Reading from the testimony of Donald Connors) “You may be

* A film of the scene at Jo Vista was made by United Press International.

interested to know that Mr. Houghton, appointed by the Governor to investigate the situation, told me that the only unfairness he learned of concerning the election here was the conduct of these agitators. Are you referring to the action of these people on the election day?"

MR. CONNORS: "Yes, I am."

SENATOR WAY: "Was this the basis upon which he called for another election?"

MR. CONNORS: "I don't think so, sir. Again, I'm speculating. He told me only that he wanted to clear the air once and for all—do the job and have another election where there would be a minimum of interference and a minimum of protest. As to why he did it, I really can't say."

There were others somewhat less charitable who suggested that the upcoming gubernatorial election in California may have had something to do with the decision. The California Democratic Council, a coalition of New Politics and New Left Democrats was passionately committed to the Chavez cause. And the CDS was of vital importance to Governor Brown at the time. Powerful newspapers like the Los Angeles *Times* had also made the Chavez their own, and Brown could not afford to antagonize them. Cesar Chavez, moreover, had translated his unionizing efforts into a racial movement—and among Mexican-Americans (with the exception of those not in the grape fields of Delano) it was then considered treasonous to be critical of "la cause." For Brown not to give Chavez the election he had so recently opposed would have brought the wrath of Mexican-Americans on the Governor's head—or so he believed.

And what an election it turned out to be! This time there was no accounting firm to police the eligibility of those voting, no attempt to determine whether a voter was repeating, no effort to limit the vote to bona fide Di Giorgio workers. The election, moreover, was timed to catch the maximum number of migrants and "green carders" who could outvote the regular Di Giorgio work force. This time, Cesar Chavez was taking no chances.

Sally de la Rosa, a grape picker, described the September scene. "It was a terrible mess. I never seen anything like it. People went in there to vote with check stubs as their credentials. People I had never seen before and that I knew for a fact never worked there." Another picker told me: "One voter used the name of a dead friend of mine, but when I tried to do something about it, they threw me out." *El Malcriado*, the Chavez union paper, made no secret of how the election was run. In its September 9 issue, it boasted: "Hundreds of ex-employees of Di Giorgio, from as far away as Jalisco, Mexico, who had joined the strike since last September, returned to Delano to vote for the NFWA." In the weeks before the election, moreover, Chavez had been sending in students from Berkeley, and derelicts from San Francisco, to Delano to work for a few days in the fields and thus "qualify."

The result was as expected. The vote: 575 for Chavez, 428 for the Teamsters. (According to the San Francisco *Examiner*, the breakdown was 530 to 3312.) The Teamsters won the packing shed and other non-field employees 94 to 43, thereby consummating the deal reportedly made in Washington. But this was not the end of the Di Giorgio story. Chavez "won" his contract. He was able to boast that "his" workers were now getting \$1.65 an hour. But their take-home declined as union pressure reduced

productivity in an industry where incentives added dollars to every hour of work. Slowdowns were encouraged. Di Giorgio began shifting to wine grapes. After all, it cost only \$150 an acre to harvest wine grapes, \$560 an acre to harvest and pack table grapes. And it takes about one-fifth the number of people to bring in wine grapes.

The Chavez union, now merged with AWOC to become the United Farm Workers Organizing Committee, could not even supply the necessary workers even though—on one of the Di Giorgio ranches the work force had dwindled from some 2,500 pickers to 700. (In 1968, it had fallen to 400 people.) Jesse Marquez described the crippling process. “The first of the season, the company asked Chavez for 200 men, and he could only furnish about 50. So I was sent down to the border to recruit green cards... This happened all year round. There were times when they would ask Chavez for 25 men. He could only pick up seven or eight.”

Today, the Sierra Vista Ranch in Delano has been shut down. The victory for Chavez cost the town 1,500 jobs. Other Di Giorgio ranches in the Valley have also been shut down—their camps and recreation facilities are now ghost towns. Would it happen to the other growers? In 1968, when I made my first visit to Delano, the question seemed ridiculous. The workers were determined not to join Chavez, the growers certain that they could sustain themselves against his national campaign to destroy them. Their logic seemed unassailable. Further “victories” for Chavez would kill Delano and put all of them, the union included, out of business. Logic, of course, had nothing to do with it. Social revolution did.

V. The Triumph of Propaganda

When the oratory was at its most impassioned during the Easter “service” that ended the Chavez “march” on Sacramento, a reporter turned to one of his friends and said: “This represents the triumph of propaganda over fact.” At the time, few Americans, fed on the highly colored accounts of the conflict in Delano from the national press and their local pulpits would have believed it. They had seen the pictures of starving babies, had been told *ad infinitum* of the low pay and terrible working conditions under which the pickers lived. They believed that the table grapes of the San Joaquin were picked by migrant laborers who lived in miserable hovels. And they had seen those who set the record straight shouted down as “stooges” of the greedy growers.

In the face of this propaganda, the growers had been relatively silent, counting on the resistance of the workers to Cesar Chavez and his union to carry the day. So complacent had they been, in fact, that Jack t. Pickette, editor of the California Farmer, had roared at them in the early days of the “huelga”:

“It’s funny that the biggest business of the state (agriculture) is the dumbest and most phlegmatic, inarticulate and the least politically virile.... In the past year you have sat on your hands waiting for the hired hands of your organizations to produce another miracle... You’re like the Jolly Green Giant—big, lovable, powerful, but you run at the roar of a mouse.”

If timidity was not the causative factor, certainly complacency could take the credit for grower behavior. “Never have so few gained so much publicity with so little impact,” one

grower said a year after Chavez had called his “strike.” They repeated to each other the promises Chavez made to the workers—that the strike would be over in three days, that they would get unemployment insurance if they quit, that they would get a “percentage” of profits when they won the strike, that the railroads would refuse to ship grapes—and convinced themselves that Cesar’s failure to deliver had hurt him. But the propaganda continued and was used effectively to win over public opinion.

ITEM. Father James Vizzard, who billed himself as the director of the National Catholic Rural Life Conference (which he was not), journeyed to Delano to study the situation there. His statement of findings, according to Bishop A. J. Willinger of the Fresno-Monterey Diocese, was “preconceived and prewritten” before he came to California. “For some reason or other (Père Vizzard) withheld his rendition in Delano and had it published and distributed in Washington” and “a glowing account of it reached the press.” Father Vizzard, who had acted against the orders of his superiors, nevertheless continued to be one of the most vocal and impassioned of Chavez proponents.

ITEM. On February 4, 1966, Steve Allen, the television entertainer, visited Delano, marched on the picket line with Chavez, and lunched with NFWA officials. At a news conference, he went down the line for Chavez. Subsequent to this, he gave his backing to a leaflet published by the Los Angeles Friends of the Grape Strikers that claimed 4,500 workers had left the fields in Delano. On March 16, 1966, he returned to Delano to testify before a Senate Labor subcommittee on Migratory Labor, presumably as an expert, where he stated that the “plight of farm workers is nothing less than a national disgrace,” and that the local clergy were toadying to the area’s “power elite.”

But under questioning, Allen admitted what should have been apparent to those who heard his pleas for Chavez—that almost everything he had said in his testimony came from NFWA sources. His authority was a highly inflammatory book, *Huelga*, published by the Chavez “Farm Worker Press” and a film, *Harvest of Shame*, which depicted conditions in Texas and other states but not California. When asked, “Do you have any evidence” that 4,500 workers left the fields? Allen answered, “No,” and added that the figure he had given was “a considerable exaggeration.”

ITEM. The propaganda aspects of a United States Senate subcommittee hearing in Delano was underscored by the behavior of Senator Robert Kennedy and Senator Harrison Williams, its chairman. Kennedy arrived at 10 a.m. and pointedly favored Chavez by including him in his appearances before the television cameras. Again, the spotlight was focused on Chavez by a visit to the NFWA headquarters. In his questioning of witnesses, Senator Kennedy was so rude to all except pro-Chavez witnesses that the *Delano Record*, which had reported the strike neutrally, published an open letter from a local bookkeeper and mother of seven.

“Until your appearance in Delano, I was a firm believer in the integrity of the Kennedys... Your personal actions in Delano have left me with doubt as to the validity of my former beliefs, where you are concerned. You were both rude and arrogant in your questioning of the lay people involved in the hearing... What were you trying to prove? That you have had a little better education than most of the people being questioned? That you are a great prosecuting attorney. There was no one on trial here. You were supposed to be a member of an unbiased committee, gathering facts as to whether or not there is need

for certain legislation. Your job was to get those facts, not to try to confuse those testifying. Teenagers of today have a phrase that fits your behavior in Delano. It's called cutting people low. This you did very well."

In publishing the letter, the Delano Record commented that it "reflects sentiments heard many times since last Wednesday." Particularly galling to the people of Delano was the scorn Kennedy heaped on police officers and law enforcement officials, who were the targets of his ridicule. But the letter appeared in only one newspaper. Judiciously edited snippets of the hearing were seen by millions on their television news.

More polite but equally propagandistic was the attitude of Senator Williams. It was best exemplified by his rejoinder to the testimony of the Reverend R. B. Moore, Negro pastor of St. Paul's Baptist Church and head of the local NAACP, who had protested against the false charges leveled at Delano by the NFWA and particularly against the "civil rights in reverse" which were destroying the racial harmony of Delano. Moore, Senator Williams countered, was "the only clergyman to ever testify against the principles of what this subcommittee is working for.

Ironically, only the people of Delano knew that when Senator Kennedy loudly demanded a "\$1.20 an hour minimum wage" for the grape workers, he was asking them to take a substantial pay cut!

ITEM. Days before the Senate subcommittee hearing, the Cleveland *Plain Dealer*, without bothering to check, was publishing a sob story for the edification of its readers. It bears quotation:

"An attractive former school teacher arrived here two weeks from Delano, Calif., with a battered suitcase filled with pamphlets, a few clothes, a letter of introduction and the battered skeleton of a broken-down car ... Her name is Ida Cousino ... She was sent here from the grape growing fields of Delano by the NFWA to organize support for the more than 1,000 impoverished grape pickers who have been striking a group of 38 farm owners since last September.

"Her job is to get moral and financial aid from Cleveland unions, church groups, civil rights organizations, and anybody else who will help. She has already met with some success in getting a number of Cleveland AFL-CIO unions to pledge money for the strikers and get the message to their union members ...

"Our pickets have been run down by trucks, replaced by strikebreakers, sprayed with poisonous insecticides, beaten, and had dogs turned on them,' she said. 'We have remained nonviolent in the face of these tactics ... The workers live in slums around the 400 square miles of farm land. Single men reside in dingy hovels the farm owners provide ...' Miss Cousino is not a grape picker or pruner ... Her personal expenses, paid by the NFWA, are \$8 a week for food, bus fare, and a pack of cigarettes a day, the only luxury she says she allows herself."

The "\$8 a week" was, of course, on a par with the \$5 a week that Cesar Chavez drew from the union treasury to support himself, his wife, and their eight children, paying rent for a modest but sizeable house in Delano. Miss Cousino, in the same interview spoke of the \$1.20 an hour the Delano workers were making, though she conceded that it was a "stable" community which worked "most of the year." But the \$1.20, the Chavez propaganda line, ran strangely counter to the certified figures from Schenley—which had

paid no more than the rest of the grape growing industry—of an average wage for pickers of \$2.77 an hour for men, \$2.54 for women, and \$2.52 for minors 16 to 18 years of age with work permits.

ITEM. Chavez himself was responsible for one of the most cold-blooded frauds in the history of the Delano troubles. Just before Christmas of 1965, he issued a statement that Delano's workers had never enjoyed a "turkey Christmas." He conjured up visions of little children with their noses pressed to the plate glass watching the affluent tearing away at drumsticks in Henry VIII manger. And the response spoke well for the heart of America. The United Automobile Workers Local 887 of Los Angeles passed the hat and shipped 400 frozen turkeys to Chavez at his union headquarters. They were unloaded with much fanfare and picture taking.

That was the end of it. The turkeys were stored away in local freezer houses and forgotten. The following March, when the local press discovered this, the turkeys were hastily removed and stored elsewhere. To get rid of them, Chavez used the turkeys as payment for the pickets who were being imported from San Francisco and Berkeley. The national press, looking diligently for fallen sparrows, completely overlooked the unwanted turkeys.

ITEM. At the same that the turkeys were being shipped to Delano, Salinas, the center of the lettuce and strawberry industry, contributed Christmas trees and 500 bags of candy. Mrs. Bessie Sandry, a grandmother, and Mrs. Irene Johnson, financial secretary of a United Packing House Workers local took turns driving the truck bearing the trees and candy on the all-day drive.

It took the *Christian Science Monitor* to expose the fraud. Its reporter asked Chavez, "How many farm workers and their families did you feed over Christmas?" "Every family who is on strike or who is supporting the strike got a turkey," Chavez answered blandly. "How many are on strike right now," he was pressed. "That's hard to say," answered Chavez. "It's hard to estimate." But the reporter did not let go at that. In his story, he stated:

"Robert Blalock, supervisor in the Delano office of the Kern County Welfare Department, said his office had 'expected a big demand' for county aid when the unionizing disputes first started. He said his office had added extra staff help to process the anticipated load but the situation had remained normal throughout the period. 'If people are hungry,' as another welfare official puts it, 'they are not seeking aid from normal sources.'

"The Rev. D. Floyd Reed of First Baptist Church, Delano, told me that the day before Christmas he would have been hard pressed to find 50 persons in Delano this year who needed food.

"Mrs. Ailene Townes, a registered nurse who has been in promoting the city-wide Christmas gift program since the early 1930s, said she had baskets this year she couldn't give away.

ITEM. When the people of Portland, Oregon, moved by the stories of Delano's misery, sent four truckloads of food and clothing to the Chavez union, they were stored in the lubrication rack area of a modern gas station being run by the union on its 40-acre headquarters just outside the city. The food and clothing remained there for over a week,

with no takers. In the same area were refrigerators donated by other well-meaning people. When Chavez discovered that pictures were being taken, he became worried. Gilbert Rubio, who had served as the Chavez “minister of propaganda,” reports that the food and clothing were destroyed in the county dump behind the gas station.

ITEM. When Walter Reuther visited Delano, he lectured city officials about “these large absentee land holders”—the growers—and argued that “something” had to be done to prevent them from “exploiting” the workers. This charge was widely repeated. In point of fact, of the 38 grape growers in Delano, only one could properly be classified as “absentee”—the Schenley Corporation. The rest, even Di Giorgio which had wide holdings elsewhere, were part and parcel of Delano’s life and industry. It was this closeness of worker and employer which had given Delano its easy-going labor relations over the years.

ITEM. The conflict between fact and propaganda and its treatment by the press finds dramatic exemplification in the difference between Mayor Thomas J. Campbell of Vancouver, Canada, and Mayor John Lindsay of New York City. When Chavez representatives appeared in Vancouver to picket stores and to demand that the city council take a favorable stand on the union’s grape boycott, Campbell decided to find out what the facts were. He spent three days in the Delano area, observing for himself—talking to pickers, to the union, to growers, to city officials, and visiting the fields. His conclusions were reported in the Bakersfield, California, *News Bulletin*, but the national news media was elsewhere detained. Mayor Campbell was able to report to his city council that:

“There had been no mass walkout of workers and that the strike could not be considered bona fide.

The majority of the workers did not support Cesar Chavez of the United Farm Workers Organizing Committee.

Working conditions and housing were good on the grape ranches.

Wages, while not high in comparison to industrial pay, were good and averaged \$2.10 an hour.

Campbell was also distressed by Chavez who “refused to answer all the questions I posed.” When asked for the official count of union members, Chavez said, “I don’t know.” Nor would he discuss the position of the union on various issues. Here again, his answer was, “I don’t know.”

In contrast, Mayor Lindsay—on the basis of a charismatic smile from Chavez and pressure from Harry Van Arsdale, boss of the New York City Central Labor Council—added New York to the boycott cities amid widespread attention and the concerted huzzahs of the media, printed and electronic. When Mrs. Bea Aglipay, a picker and the wife of a picker, wrote to Mayor Lindsay outlining the facts of a situation which was part of her daily life, she received a condescending answer from Deputy Mayor Timothy Costello. “Our information shows that farm workers,” he wrote, “work for very low wages and under intolerable working conditions. We do not feel that our taxpayers’ money should be spent to encourage this oppression and exploitations.” At least he answered. Most of the drum-beaters for Chavez who received Bea Aglipay’s pleading letters simply tossed them in the round file.

Her experience was not unique. Those hardy newspapermen who journeyed to Delano saw their copy butchered by editors—or killed outright—if they dared to point out that the battle was not between Chavez and the growers but Chavez and the workers. Propaganda had become myth and myth had become gospel truth. And could the editors be blamed? When the Los Angeles *Times*, the San Francisco *Chronicle*, the New York *Times*, the Washington *Post*, and the major networks news shows disseminated Chavez handouts as if they were verifiable news, the triumph was complete.

But the greatest stroke, the greatest theater was yet to come. On February 19, 1968, Cesar Chavez called together his “strikers”—as well as the union staff, the volunteers, and his associates—to address them. He admonished them first that what he had to say was a “secret” that they were not to repeat to anyone, specifically the press. He was delivering his own Sermon on the Mount—off the record. He began by scolding the union members for their use of violence.

“Cesar took a hard line,” one of those present is quoted in Peter Matthiessen’s adulatory *Sal Si Puedes*. “We were falling back on violence because we weren’t creative enough or imaginative enough to find another solution, because we didn’t *work* hard enough. One of the things that he said in the speech was that he felt we had lost our will to win, by which he meant that acting violently ... that is really losing your will to win.

Then, Matthiessen continues: “The Union, he said, had raised the hopes of many poor people; it had a responsibility to those people, whose hopes along with all the Union gains would be destroyed after the first cheap victories of violence. Finally, he announced the fast. It was not a hunger strike, because its purpose was not strategic; it was an act of prayer and love for the Union members because as their leader he felt responsible for their acts as individuals. There would be no vote on the fast, which would continue for an indefinite period, and in fact begun the week before. He was not going into seclusion, and would continue his work as best he could; he asked that his hearers keep the news entirely to themselves. Since it was difficult to fast at home, and since the Forty Acres was the spiritual home of the Union, he would walk there as soon as he had finished speaking, and remain there until the fast was done. Throughout the speech, Chavez quoted Ghandi and the Epistles of St. Paul.”

His final words were: “I am doing this because I love you”—a penitential act for the misdeeds of his followers.

In line with his request for secrecy, Father Mark Day, known in Delano as the “union priest” of Our Lady of Guadalupe Church, whose congregation of grape workers had steadily declined since it had become to them the “union church,” announced that he would offer mass at Forty Acres. An order was issued that no cars were to enter the grounds, in order not to disturb Chavez. “We built a fireplace and we had chocolate every night,” one of his devout followers later recalled. A “shrine” was set up to receive offerings, and three followers took vows of chastity for the duration of the fast.

Leroy Chatfield, one of the union’s staff has since said: “When we visited Cesar in his little room at the Forty Acres, he would point at the wall and say, ‘See that white wall? Well, imagine ten different colored balls, all jumping up and down. One ball is called religion, another propaganda, another organizing, another law, and so forth. When people look at that wall and see those balls, different people look at different balls; each person

keeps his eye on his own ball. For each person the balls mean different things, but for everyone they can mean something! My ball was propaganda and I kept my eye on that; I could therefore be perfectly comfortable, and understand the fast completely in those terms, and not negate the other nine balls—organization, say. And, as a matter of fact, we never organized so many people in such a short time, before or since.”

When the press gathered round to report the fast, Chavez did not mention any of the ten balls. His purpose, he said, was “spiritual and penitential.” Those spiritual aspects must have been in Cesar’s mind when he released a telegram from Senator Robert Kennedy. “I WANT YOU TO KNOW THAT I FULLY AND UNSWERVINGLY SUPPORT THE PRINCIPLES WHICH LED YOU TO UNDERTAKE YOUR FAST ...” Kennedy wired.

The grape pickers of Delano insist that Chavez never fasted—and even some of the union volunteers claim that it was a “fraud.” A reporter who had covered the fast told me, “I saw Chavez in January and I saw him in March. He hadn’t lost weight. In fact, he hadn’t been on a fast because I saw him eating. His wife used to carry out his order to go (at a carry out place.) Or his brother or one of his guards would pick up his order, at the restaurant where he always ate, to go. You know, there can’t be too many places that you pick up a strawberry milk shake and a grilled sandwich to go. When he goes into a restaurant, that is what he orders all the time.”* This may be the bitterness they feel towards him speaking—or it may be true. The doctor who tested him after the twelfth day found him fit, with none of the acids in the system which are symptomatic of a fasting body. After the fast, when he was examined again, Chavez was, in his own words, “perfect.” In the course of the fast, he was able to resist the efforts of a strong, somewhat inebriated, Mexican who tried to force some tacos into his mouth. And on the twenty-first day, according to the official account, Chavez switched from water to other liquids.

Senator Kennedy was in Los Angeles when he received word that Chavez was breaking his fast. He hurried to Delano with Paul Schrade of the UAW, whom he asked: “What do you say to a guy who’s on a fast?” He was ill at ease when he entered the room. “How are you, Ce-zar?” he said. “Very well, thank you,” Chavez answered. “I thank you for coming.” “It’s my pleasure,” Kennedy said. At this point a TV cameraman tried to squeeze into the room, full of Kennedy’s press entourage. “Let him in,” Chavez said. The TV cameraman said to Kennedy, “Would you mind giving him a piece of bread?” and the senator complied. One picture, after all, is worth a thousand words.

The fast was formally ended at a Delano park where an altar had been set up on a flatbed truck. The service began with a prayer in Hebrew, a Protestant sermon followed, and finally there was a Catholic mass. Father Mark Day, of the “union church,” officiated at the mass. Sewn to his vestments was the union insignia, a stylized black-and-white thunderbird—or the “dead chicken,” as Delano grape workers call it. A self-congratulatory speech was read for Chavez in Spanish and in English. The truest act of courage, the strongest act of manliness, is to sacrifice ourselves for other in a totally nonviolent struggle for justice. To be a man is to suffer for others,” he said. “God help us be men.” Kennedy

* I had heard this story from a number of pickers. It seemed hard to believe until I got it—on tape—from the reporter quoted above.

then made his own speech. He referred to Chavez as “one of the heroic figures of our time.” Then, after taking Communion with Cesar, Kennedy tried to speak in Spanish, muttered, “Am I murdering the language?” and shouted, “Hoolga, hoolga!”—his way of saying “huelga,” “strike.”

Then Paul Schrade presented Chavez with \$50,000, and the “meeting”— as Peter Matthiessen describes it, ended with a “nonviolent” speech by Reies Tijerina, who called for “money, guns, and ammunition, for the revolution.” No one reproached him.

VI. The Great Grape Boycott

For a start, contemplate these facets of the Cesar Chavez crusade to ram his union down the throats of the San Joaquin Valley’s grape workers.

1. A swank estate in Southampton, Long Island, where the rich and the Beautiful People congregate. A group of United Farm Workers Organizing Committee publicists, carefully dressed in blue jeans to set them off in proper proletarian fashion from the rest of the guests, serve as a pitying point for the gathered “radical chic.” The host, Andrew Stein, son of a New York politician, tells reporters: “I believe in the cause and I wanted to do something.” He has—\$3,500 in booze and hors d’oeuvres, not to mention the wear and tear on his lawn. The guests, “women in silk pajamas and men in brightly colored pants streamed through the house and out onto the lawn where the bars were,” the *New York Times* will report the following day. Uniformed waitresses serve the hors d’oeuvres on silver trays.

Mrs. Ethel Kennedy, in a short pink dress, with gold and diamond bracelets adorning her arms, moves through the crowd complaining that the ocean dampness is “wrecking” her hair. She turns to hug Rafer Johnson, the track star turned movie actor, and Antonio Muñoz, the Spanish banker. Heidi Vanderbilt is in shocking pink. Anne Uzielli and Charlotte Ford Niarchos are very present. (Mark Goodson, the TV producer, says he finds the party “more than a little incongruous.” A Harvard Law student now working for Chavez, is a little upset by the entertainment, (a gaily dressed mariachi band). While Andrew Imutan, representing Chavez, holds forth about the need for boycotting California table grapes, Anita (The Face) Colby is being hugged and kissed by an admirer. The other guests pay no attention to the description of horror in Delano—“breakfasts of tortillas and baloney sandwiches at 3 a.m.,” says the *Times*.

But there is some serious content. Huntington Hartford, the A & P heir, who picketed one of his own stores, has sent \$1,000 for the union. Averell Harriman, who rose in a matter of months from track-walker on his own railroad to a top executive of the company and therefore knows the tribulations of the working man, has sent \$500. There have been other contributions of \$1,000, but the money isn’t coming in fast enough. Abe Schrade, a dress manufacturer, tries to use psychology. “I understand there’s a man over there who will give \$10,000 if four others will give \$2,500 cash,” he wheedles. There are, according to the *Times*, “at least three cries of ‘Viva la huelga.’” “ But the ploy fails. In all, \$20,500 is collected from the Beautiful People—and when the bars shut down, they go home full of liquor and virtue.

2. Detroit. Three leaders of the grape boycott in Michigan—State Senator Robert Craig, the Reverend Robert Baldwin (executive director of Churches on the East Side for Social Action), and Hijinio Rangel (an UFWOC boycott leader from Delano)—have vowed to fast until A&P swears that it will stop selling California table grapes. “What we suffer here is nothing compared to the suffering of my people,” says Rangel. Eleven days later, Senator Craig publicly breaks the fast because his doctor “fears” that it may not be too good for him. A waiting world learns that he has eaten an egg and said: “That poached egg tasted like a beefsteak.” The fast, he admits did not exert “a nickel’s worth of moral pressure on A&P.” But it did make some nice newspaper stories.

3. Calexico. Cesar Chavez has mounted another march, from Indio to the Mexican border to dramatize his plea that Mexican workers support his “strike” and boycott. The make-up of the marchers is much like that of the Sacramento excursion—a few grape workers, a revolving group of sympathizers, and, as they walk through the towns, children waving picket signs. Some 35 people make the entire march. At El Centro, the marchers are joined by the Reverend Ralph Abernathy, putative successor to Martin Luther King. Almost in parody of John F. Kennedy’s historic and moving cry to the people of West Berlin, “*Ich bin eine Berliner!*” Abernathy orates, “*Yo tambien soy Mexicano*”—“I too am a Mexican”—at a Mass in Brawley. (Father Mark Day officiates, again wearing the black and red thunderbird emblem of UFWOC on his vestments.) Abernathy makes it a black-versus-white issue when he says that the “white man’s establishment’s plan to divide Mexicans and blacks will not work,” then adds, “We are going to sock it to the United States with black, brown, and yellow power.” Then, having walked two miles, he hops into a car for the rest of the “march.”

Senators Ralph Yarborough and Walter Mondale, and Representative John O’Hara of Michigan do a little better. They walk five miles with the demonstrators. But Senator Edward Kennedy flies into Calexico to “welcome” the footsore. “Injustices to farm workers can no longer be tolerated,” he says. Women grape pickers from Delano (mentioned only in one newspaper account) who are picketing the marchers because the boycott is costing them their jobs, wonder if Senator Kennedy is referring to them. Chavez is there, too, to meet the marchers at the finish line. “We have souls and God has given us dignity, but the growers consider us agricultural implements. To be free of this slavery, we must join together.”

4. In Rochester, New York, Mary M. Grooms, a columnist for the *Times-Union*, writes:

“I had paid little attention to the California grape boycott until I walked into the kitchen of inner city friends recently and found their 17-year-old daughter in her Wegman’s (a local supermarket) uniform collapsed over the table, totally exhausted. The grape boycott had hit her store that day.

“ ‘These people kept coming in all day, getting big orders of groceries and checking them out,’ she said. ‘Then they would ask us where the grapes came from and when we said we didn’t know, they would walk out without paying for the groceries. Then we would have to pup all the stuff back on the shelves.’

“After talking with some of the boycotters, I found that they were totally unconcerned about the hardship caused the people working in the stores, who make less per hour than do most California grape pickers. Somehow I am just a little mistrustful of people who

claim to be so concerned about people 3,000 miles away, while mistreating a flesh-and-blood human being standing in front of them.”

Four aspects of the boycott. To this, add the following by Whitney M. Young, considered a moderate among black civil rights leaders. He was reporting what Cesar Chavez *told* him about conditions in Delano. Of its 164 words, less than twenty are true which, as the boycott progressed, was a fairly high batting average for Chavez.

“Pickers work in vineyards that get as hot as 115 degrees, with poor health and sanitary conditions; their children die at a rate double the national average; they are twice as likely as other Americans to get flue or TB; their average life span is only 49 years, compared to the average American’s 70 years; they aren’t covered by unemployment insurance or minimum wages; and they aren’t allowed to have a union to bargain for them as other American workers have.

“Before the strike wages were only about \$1 per hour for back-breaking stoop labor. When the union signed a contract with wine grape growers, it called for a \$2 per hour wage. In order to fight the union, other growers raised wages a bit, but men, women, and children work in the fields at below-poverty wages. Children who should be in school or at play, put in long days in the hot sun working at tasks that would exhaust adults.” (True statements in italics.)*

What Chavez had told Whitney Young—and what Young had repeated to the readers of his column—was broadcast across the country by paid UFWOC demonstrators, by gullible clergyman, and by impassioned do-gooders who accepted everything they were told by the union as gospel truth. It mattered very little to them what Cesar Chavez said, or that what he said in 1968 and 1969 contradicted what he had been saying in 1965, 1966, and 1967. In 1965, he had boasted that “thousands” of grape workers had quit the field, that “thousands” of tons of grapes had been left to rot on the vines for lack of labor to harvest them. Yet in 1969, the Reverend James Drake, Chavez’s administrative assistant in UFWOC, would say, “The growers have no problem getting the grapes harvested. The strike is almost totally ineffective. The big weapon is the boycott.” And he had no need to say it. A boycott would have been meaningless if the “thousands” had really walked off the job.

The same kind of Gresham’s law applied to Cesar’s other rhetorical flights. The more impassioned his invocation of God and his demands for human justice, the less tied to reality were his assertions. From the start, he had misrepresented the earnings of grape workers by citing their hourly base pay without referring to the incentive pay which added additional hourly dollars. But even then, he was willing to concede in 1966 that this base rate was \$1.25 an hour—it was then \$1.35 to \$1.45—but by 1968, he could tell Whitney Young that it had been \$1. When he called his “strike,” he talked of repression, of lack of sanitary facilities, of long hours, of the heat in the fields. But by 1968, he was referring to grape picking as “stoop labor”—which it is not—and reciting mythical mortality statistics.

From the very start of the Chavez campaign, he had loudly demanded that the wishes of the grape workers be accepted by the growers. The growers, in turn, had told Chavez

* It should be noted that the two true statements involve matters over which the growers have no control.

and his union that if he could demonstrate this desire in the manner generally approved in collective bargaining—that is to say, by producing pledge cards signed by their workers—they would negotiate with him. Chavez studiously evaded this. When growers like Di Giorgio had offered to hold supervised representational elections, Chavez and his union officers had flatly refused, demanding recognition without any expression of worker sentiment. When this offer of the growers became known, Chavez had falsely asserted that the growers had acceded to his demands “too late”—although there was no explanation why it was “too late” if the workers were indeed with him.

But perhaps the most cynical of the shifts, contradictions, and turns in the Chavez strategy was his use of the fact that agricultural workers do not come under the National Labor Relations Act. Chavez repeated to the world that the California grape workers did not “have the right to join a union.” It is true that farm workers do not come under the NLRA. But under California law, they had and have a right to join a union—and anyone who prevents them from doing so is subject to serious penalties. But when there was talk in the Senate of extending the NLRA to farm workers—and when Governor Ronald Reagan called for an end to the controversy in the San Joaquin Valley by holding secret-ballot elections in which the grape workers could vote for or against a union—Chavez changed his tune. Instead, he insisted on legalization of the secondary boycott and the closed shop.

Now the difference between a “union” shop and a “closed” shop is a vital one. Under a union shop, a worker who is hired must join the union after a given period of time—30 days under the NLRA. The element of compulsion is there—and it is one which runs directly counter to the First, Fifth, and Ninth Amendments of the Constitution. But at least worker and employer have some small maneuvering area. Under a closed shop, the employer can hire only those who already belong to a union—which means that the union determines who will work and who will starve. But Chavez went beyond this. He wanted all hiring to be done through “hiring halls”—that pernicious system which has delivered America’s waterfront labor to the racketeers and the mobsters. Under this system, a grower would not be able to hire anyone, even a union member, without the prior permission of the union. If a grower wanted 100 men, he would not be able to hire those with abilities known to him. He would have to ask the union to send him 100 men—and take them, whether or not they were competent. Under the “hiring hall” system, Chavez would become the Boss King of San Joaquin Valley, and any man who crossed him would be stone cold dead, economically speaking.

Categorically Chavez rejected legislation which would place the grape workers under the NLRA. Instead, he called for a closed shop. This, of course, was what the boycott was all about. The strike having failed, as Chavez readily admitted, it was necessary to by-pass the workers by putting unbearable economic pressures on the growers. His switch led the heretofore sympathetic San Francisco *Examiner* to comment editorially: “The many politicians, clergymen and others who have sanctified Cesar Chavez as a Moses leading farm workers out of bondage should have red faces today ... The new Chavez is talking the language of forced, compulsory unionism. That is why the man so lavishly praised as a labor idealist has emerged, we repeat, as a hard-boiled labor boss.”

The union itself could not suffer from the boycott. While Chavez talked poverty, money—some \$10 million in all—was pouring in from the AFL-CIO, from the UAW, from religious organizations, from the “radical chic,” and from many of the “small people” who read the newspaper stories or looked at the handbills handed out by the New Left supporters of the “strike” at supermarkets and on city streets. The vulnerable people were the smaller growers and the grape pickers. Growing table grapes is a tough and frequently marginal business, and a small drop in sales can put the small rancher out of business. The big boys are diversified or have the wherewithal to survive. Chavez knew very little about the actual job of picking grapes, but he had been well briefed on the economics of the San Joaquin Valley. He knew, for example, that one-sixth of the nation’s table groups are sold in the New York City metropolitan area—and he pushed there.

The approach, in New York and elsewhere, was the same. Harass the supermarket manager, the chain, to convince them that handling grapes wasn’t worth the bother. This required not too much work. Picket, make scenes in the stores, drop a few stink bombs in the meat section. Send in a priest, a minister, a rabbi to accuse the manager that he is murdering little children. In New York and elsewhere, too, get the AFL-CIO unions which have contracts with the supermarkets to threaten walkouts. Apply a little blackmail, polite of course, but explicit enough to make the chains worry.

In New York, it was handled with great finesse. Irving Stern of the Meatcutters union called a meeting of representatives of the New York Central Labor Council, the Seafarers union, the Retail Clerks, and other unions to which the major jobbers and handlers of grapes were invited. Several weeks later another meeting was set up with the supermarket chains. What was said at these meetings has not been released to the public but by the summer of 1968, the major publication of the produce industry, *The Packer*, was able to report the chains had “willingly unwillingly” agreed not to handle California table grapes until Chavez had his way with the growers. All parties concerned denied that there had been any coercion, but almost immediately shipments to New York of California table grapes approached the vanishing point. The shippers of grapes filed a \$25 million suit, and the National Labor Relations Board threatened the unions with action under a NLRA clause which prohibits secondary boycotts—but it was a futile gesture.

Simultaneously, city governments controlled by union indebted mayors were mobilized into cutting off purchases. In Detroit, Mayor Jerome Cavanaugh, flanked by AFL-CIO officials and by Bishop Walter J. Schoenherr, announced that he had ordered his director of purchases to cease buying California grapes. The good bishop told the press that he had urged Catholic institutions to join the boycott, then added that “all the Catholic bishops of California have given support to the cause of the United Farm Workers Organizing Committee”—which was not true. In Chicago, Mayor Richard Daley told labor leaders that the city government would no longer buy grapes— and such supermarket chains as A&P, High-Low Foods, and others fell conveniently into line.

It is not necessary to poll the cities one by one. If they were a little remiss, there were always the press weepers to push them. Syndicated columnist Jimmy Breslin did a red-eyed piece about the pickers, including unrestrained fiction as an accusation that the growers “bring in illegal workers from Mexico, over 200,000 in the San Joaquin Valley alone last fall”—the neatest trick of the year since there are not 200,000 pickers in all of California.

He also interviewed an old picker who told him in all seriousness—or seriously enough to convince Breslin—that in worker’s housing “the floor is dirt and the rains make mud of the floor. You sleep in mud.” At a time when Chavez could not have filled a high school auditorium with legitimate strikers, Breslin quoted what purported to be another picker: “We have thousands of people on strike in California. Families are separated because they don’t have enough money to live together.” And the tear-jerking touch, bad Hemingway to the very end:

“ ‘Let’s go picket!’ the boy said.

“ ‘Let’s just sit in the car first so I can get warm,’ the girls said.”

Secretary of Labor Willard Wirtz journeyed to California to discuss the boycott with Chavez—and to “talk a little politics.” A news story reported that “Wirtz said he tried to persuade Chavez to back Hubert H. Humphrey for president.”

Monsignor George G. Higgins of the National Catholic Welfare Conference, who doubles as a kind of unofficial chaplain to the AFL-CIO, could write on January 9, 1969—after Chavez had repeatedly and categorically refused to agree to representational elections—“The answer to this, it seems to me, is extremely simple. It was stated very clearly, within recent weeks, by Bishop Floyd Begin of Oakland, California. All that the growers need to do, the Bishop said, is to agree to ‘impartially supervised elections.’ Their continued refusal to do so, he noted bluntly, ‘can only question the integrity of the growers’ contention and induce more and more people to support the boycott.’ This makes perfect sense to me.” (Governor Reagan had been accused of “conspiracy” by Chavez when he asked the union to agree to elections—but since this did not appear in AFL-CIO News, Father Higgins must have missed it.)

On April 24, 1969, the Montreal *Star* reported that car lots of grapes unloaded there had dropped 21 percent. And it quoted Chavez’s representative, an organizer presumably organizing grape pickers in Montreal, that 25,000 pickers were on strike and that the boycott had cost the growers \$15 million. In May, Reies Tijerina, a Chavez supporter, told a Sacramento student audience: “Today the grapes, tomorrow the lands.” Around the country, Safeway stores felt the ire of the UFWOC which took particular umbrage at the chain’s contention that the boycott was up to its customers and that it would handle California table grapes to allow purchases a freedom of choice. In Oakland, California, union representatives were invited by Safeway executives to discuss the situation. The UFWOC group came in, then refused to leave and six of them were arrested at the close of the business day for trespass. There was testimony before the House Education and Labor Committee that Office of Economics Opportunity funds were being used to help the boycott. Congress nodded and did nothing.

In California, the Reverend Wayne Hartmire, director of the California Migrant Ministry—referred to by one picker in Delano as “part time Christian, fulltime agitator”—urged on boycotters to this Christian advice—“make a scene every time you are served table grapes in restaurants, camps, church dinners, etc.” State Senator Lorraine Beebe of Michigan called on Ethel Kennedy to visit Delano and see if what Chavez said was true—but got no response.

But as this one-sided battle progressed, the growers and the workers remained optimistic. In the four years of his drive, Cesar Chavez had spent millions—and still he

could not shut down the ranches or win over the pickers. No one believed that he could continue indefinitely. “The moment the big money stops coming in,” they argued in Delano, “Cesar will have to fold up.” On several of my trips to Delano, workers would ask me, some anxiously, “How long will George Meany and the AFL-CIO keep on throwing good money after bad. Está loco?” Having covered labor in my reporter days, I could only shrug.

Both growers and workers were shaken when Chavez struck out in a new direction. Suddenly, at supermarkets, handbills were being handed out. “Don’t eat poisoned grapes!” they shouted in block letters. In New York City, the otherwise respectable Central Labor Council AFL-CIO put its name on a leaflet prepared by Dolores Huerta—fresh from being winned, dined, etc.—by Labor Department officials, which stated:

WARNING!
DON’T BUY CALIFORNIA GRAPES
(drawing of skull and crossbones)
FRAUD
The U.S. Food and Drug Administration
of Washington, D.C. Has Found that
These Grapes have been illegally processed
FILTH
Grapes Sold Here Have Been Picked and Packed
Under Unsanitary Conditions
OVER 60 VIOLATIONS OF CALIFORNIA
STATE LABOR LAWS HAVE BEEN FOUND
IN CALIFORNIA VINEYARDS!
The U.F.W.O.C.—AFL-CIO are Informing consumers
of this Horrible and Unsafe SITUATION.
United Farm Workers Organizing Committee AFL-CIO
Supported by
New York City Central labor Council AFL-CIO
And
14 million members of the AFL-CIO

This, of course, was sheer fiction. But the charge of pesticides was picked up by Nader-type zealots. Previously, Chavez had charged that the pickers were dying like flies because they had to handle the pesticides used in drug culture. Now he warned that the consumer was affected. The Food & Drug Administration in Washington challenged this statement, but this did not deter Cesar. Leading a group of pickets on FDA headquarters in Washington, he told reporters that pesticides “kill more than 800”—a month, a year, a decade, ever?—and injure “more than 80,000.” The press avidly printed these “statistics” without bothering to ask where they came from. There was, after all, no pint in killing a good story.

The pesticide charge was one that couldn’t be countered. And its sheer irresponsibility—“It can put us all out of work forever,” said one table grape picker—made

it all the more devastating. With a kind of naïve incomprehension, one grower said, “But if the table grapes are poisoned, so are the wine grapes. And Chavez isn’t screaming about them.” This was, of course true. But Chavez had been able to sign up some wine grape growers—which explained a good deal.

But upset as they were, the growers did little more than grumble. Almost complacently, they told reporters: “As long as the pickers are with us, we really don’t have anything to worry about. As long as the pickers are with us, Chavez can’t make it” The pickers were not with the growers, however. They were fighting for themselves, with little or no help from the growers. And for a few brief months, they thought they had found the answer. As it worked out, it was the growers who capitulated.

VII. Brief Counterattack

During grape harvest season in 1968, I made my first trip to Delano. I had read about the plight of the grape pickers, about the dedicated efforts of Cesar Chavez to improve their lot, about the greedy growers and the scabs in the fields. I had also heard conflicting stories—and I was reporter enough to want to see for myself. I arrived in Delano early on a Sunday morning, expecting to find an embattled city, pickets around the vineyards, squalor, and the kind of intangible terror I had seen when labor strife hit the waterfront of New York or the industrial complexes of the East.

Neither union officials nor the growers led me by the hand as I wandered through the grape fields. The sun was not and the pickers were quietly at work. Because I speak a passable Spanish, they forgave the fact that I was a newspaperman. Their bitterness about the press was a tragic commentary on my profession. When I spoke of what I had read in the newspapers, they said, “Mentiras!”—“Lies!” When I asked about the pickets, they laughed. The unwashed ones had left, they said. What about the strike? “What strike?” they answered. “A few walked out and most of them were afraid of trouble. They’re back here now working.” And the violence? There was no laughter now. “They came out here, the union people. They said, ‘You work like a dog, you are a dog, and your wife is a whore.’” “one picker told me. “I would have killed them. But the growers, they said, ‘No, don’t fight back. That’s what they want. Just do your work.’ When they called my wife and said, ‘We know where your children are. They won’t come home from school,’ I stuck a gun in my boot, Many of us did. But it is quiet now.”

I went to the Di Giorgio ranch. It was a ghost town. I went to the camps, looking for the dirt floors, the mud, the unbearable living conditions. They were not the Waldorf-Astoria or the Beverly Hilton—but the rooms were clean. There were TV sets. I walked into the kitchens where the food was prepared. It smelled good. The pickers invited me to eat with them, but I moved on. I wandered over to the Pandol ranch. Jack Pandol was there, a big puppy of a man in suntans and work shoes. “What do you want to know?” he asked. “If my people wanted a union, we couldn’t stop them. We have a perishable crop. Do you want me to call them in? Or you go out and talk to them.. My father was an immigrant. He worked hard. I work hard. I pay my people more than Chavez is asking.” Another grower said: “I haven’t signed a payroll check for less than \$100 a week this year.” I visited Bea Aglipay’s house. She and her husband, George were among the more

articulate opponents of Chavez. There was a watchdog in the front yard who barked at friends and ignored strangers. Other pickers wandered in. “We’ll starve before we join the union,” they said.

That afternoon, I went to a park in Delano. The pickers were holding an anti-Chavez rally. I expected to find a small group of grower stooges, fat and bought. To my surprise, there were some 2,500 pickers there, with their children. They drove up in their own cars. It was like a picnic until the speeches began. They were not violent but they were impassioned—whether in Spanish or in English. What they said mostly was that no one could tell them that they must join a union. And that was when I met Jose Mendoza.

Mendoza was the principal speaker. He was no charismatic character, no second cousin to Jesus Christ. In English, he spoke with a kind of determined awkwardness and he made his points badly—but he made them. In Spanish, he was slightly florid—a fault of the language—but the pickers, men and women darkened by sun and labor, old and young, cheered and applauded. When I spoke to him afterward, he impressed me because he was not trying to sell himself or Our Lady of Guadalupe. He was a concerned man—and his concern was the pickers.

When I returned to Washington, I began looking into Jose Mendoza and his movement. I realized that he was the point—in the military sense—of the workers’ struggle against Cesar Chavez and UFWOC. His background was somewhat like that of Cesar Chavez’s with two notable exceptions: He had never ridden the pool hall trail, and he had legitimately worked in the fields. It should be added, too, that he at no time wore his rosary on his sleeve.

Jose Mendoza had worked for the Office of Economic Opportunity in Kern County, seen that it was doing no good, and quit the program because, as he says, “it was such a giant comedy.” He left, also, because he believed that if the grape workers of Delano could be organized, they would be more effective in combating Cesar Chavez. With almost no backing, he went out into the fields to talk to the working pickers. To his horror and amazement, he discovered that it was not only Chavez and the “union” which harassed the workers. Mexican after Mexican told him of efforts at intimidation by members of the Immigration and naturalization Service which had told them that if they continued to work, they would be subject to deportation. Bit by bit, he began to build up an organization.

By May of 1968, he felt that he had enough of a nucleus to strike and publicly in behalf of the workers, and on June 9, he called for a picnic in a Delano park. The response was overwhelming. Somewhat to Mendoza’s surprise, some 3,000 pickers and their families turned out for a meeting that lasted four hours. The national press and the TV networks, although they had been informed days before, ignored the meeting. The only reporters present were from the Delano and Bakersfield papers. The featured speaker at the picnic, other than Jose Mendoza, was State Senator John L. Harmer. He offered the workers his support and attacked the New York boycott of table grapes as “absurd”—pointing out that while New York unions and the city government attacked Delano, agricultural wages in their state was 55 cents an hour lower than in California.

But though the press ignored Mendoza’s picnic, it brought the new movement to the attention of the National Right to Work Committee, a grouping of workers and employers

dedicated to fighting compulsory unionism. With the committee's help and encouragement, Jose Mendoza organized the Agricultural Workers Freedom to Work Association (AWFWA). Though Mendoza and the AWFWA could not draw on the thousands—and millions—of dollars that had carried Chavez, they were able to maneuver. Gilbert Rubio, who had resigned as “minister of propaganda” to Chavez—sickened by what he had seen—joined the new group. There had been a previous attempt to organize against Chavez. A group of Delano women had set up Mothers Against Chavez, but Mendoza's association was the first which really caught fire.

Mendoza's second great shock came when he asked Bishop Timothy Manning for an audience. He believed that Bishop Manning, as a representative of the Catholic Church, would be ready—if not eager—to hear what those in his See had to say, that he would be ready to weigh the merits of the case as presented by the workers. But Manning refused to talk to Mendoza or to anyone from the AWFWA. Mendoza's response to this rebuff was to call another mass meeting of the workers—this time in Bakersfield. The mass media ignored the call, but by scraping together all available funds, Mendoza was able to print handbills which were distributed in the fields. The growers, parenthetically, were happy—but they did little to help.

Again, Mendoza tried to get Bishop Manning to attend the meeting. Again, he was rebuffed. But the workers had learned the lesson of power politics. One of them phoned Bishop Manning to inform him that if he did not send a representative to the Bakersfield meeting “to witness, in fact, the true Mexican-American laborers' sentiment, we will next Monday morning start a petition to place before the people of California a resolution demanding the tax-exempt status of the churches in the state be ended.” A half-hour later, the Bishop called to say that the schedule of one of his monsignors for that Sunday, “seems to be free enough for his attendance at the picnic.”

On July 14, an estimated 5,000 pickers congregated in Bakersfield's Hart Park. At that rally, Mendoza's problem was to prevent the pickers—devout Catholics—from demonstrating against the Catholic Church. One worker tried to throw a plate of beans at the monsignor sent there by Bishop Manning. He was restrained with difficulty. Mendoza and other speakers urged the workers to organize instead, to present their legitimate grievances to the American people. But with none of the national media present, this seemed to make little sense.

It made even less sense the following day. For on the nights of July 15 and 16, the “non-violent” Chavistas attempted to burn down the packing house of the Giumarra ranch where grapes were stored for shipment. Security guards caught them and tried to chase them away. They were met with gunfire from the union arsonists, and there was a shoot out. Fortunately neither side was very good and no one was killed. But again the pickers had to be restrained. There were some who wanted to march on the Chavez union headquarters, to burn it down, to rough up “Cesar's gunmen.” Mendoza was able to quiet them, but what had happened at the Giumarra ranch brought him more members, more supporters. For the first time, the workers felt that they had real backing. When a group of Chavez organizers invaded a vineyard, bullhorns and dirty language blazing, the pickers drove them off.

But it was not to be that easy. As Jose Mendoza and the AFWFA began to gain public attention—as their counter-picketing of Chavez pickets began to make news—the Johnson Administration, through its Labor Department, began to lean on them. Charges were made that the AFWFA was “anti-labor,” that it was an arm of the growers’ association, that it was “racist.” This government attitude was in sharp contrast to the solicitude shown by Secretary Wirtz and his department for Chavez & Company, a solicitude best exemplified by a “Dear Dolores” letter from Harold Barrett Jr., an official of the Labor Department’s Bureau of Apprenticeship and Training, to Chavez’s Mrs. Huerta.

“Thanks for letting me know where you are,” Barrett wrote.

“I’ve already sent ahead your GTR’s for air fare to Washington and return. However, in view of your situation, here’s what I’m going to do:

“I am enclosing *another* GTR.

“The location of flight origin is left blank. Also the location of the destination on return is left blank.

Go to the airlines office and have them type in the necessary details. Be sure that the price of the tickets are (*sic*) written in the box on the lower left hand side of the white copy of the GTR...

“Let me know as soon as possible what your plans are with regard to where you’ll be until the day before the flight to Washington ...

“I’ll be delighted to see you again and hear from you all of your recent adventures. If possible, set aside Thursday evening for a conversation. Take good care of yourself.”

No one in the Labor Department asked Mendoza to set aside an evening for a “conversation” or to take care of himself. Neither Mr. Barrett Jr. nor the Labor Department really cared. In fact, what they wanted most was to see Mendoza just disappear—along with the AFWFA and the determined pickers.

In this, Chavez and the UFWOC concurred heartily, doing its best to contribute to the process. On August 13, 1968, Gilbert Rubio was forced off the highway as he was driving near Delano, and his father was beaten so badly that he had to be hospitalized. Within minutes, Chavez appeared at the hospital, loudly proclaiming that he had nothing to do with the assault. When a Chavez lieutenant, who had been recognized as one of the attackers, was arrested, the Delano police headquarters were picketed for twenty hours by union activists who charged “police brutality.”

Two days later, a House Labor subcommittee, headed by the Representative Philip Burton and made up entirely of Democrats, appeared in Delano. The timing was coincidental since Chavez and Burton had been planning the hearing for well over a week. But the growers were notified only 24 hours prior to the appearance of the subcommittee. Violating congressional protocol, moreover, the subcommittee failed to notify Representative Bob Mathias, the local congressman, that they would be in his area until it was almost too late for him to be present. (He was able to make the last half hour of the “hearing” by flying from Washington.) Pickers who appeared in their work clothes to testify were ignored, as was Jose Mendoza. But Cesar Chavez had the day to himself—and he called for Federal troops and Federal intervention in the “strike.”

The Burton subcommittee hearing convinced Mendoza that working with the pickers in the San Joaquin Valley was not enough. He would have to take his case to the country—

and he counted heavily on the FCC's "fairness doctrine" to get him the television exposure that he needed on the East Coast and elsewhere. With the National Right to Work Committee, he set up a tour which would take him into cities which had been thoroughly seeded by Chavez propaganda.

But the hope that the major television talk shows would honor the "fairness doctrine"—or that the Federal Communications Commission would see to it that they did—was a naïve one.

A case in point was the experience of Jose Mendoza with Johnny Carson and the "Tonight" show. Carson had put Chavez on for a fawning interview. At a later date, he had followed this with another UFWOC propagandist. In a friendly letter to Carson, Wayne Bonney of the National Right To Work Committee pointed out that "Cesar Chavez is a paid professional organizer ... a second side of the story is represented by the growers, who can be called professional management. The third side comes from the workers themselves." Enclosing a copy of a series on the dispute published in the Los Angeles *Herald-Examiner*, Bonney offered "Jose Mendoza, as a representative of the true farm workers to appear on the Tonight Show ... We are sure that in the interest of justice for all you will agree to allow the country to hear Jose Mendoza."

Three weeks later, Bonney received an answer from John Gilroy, associate producer of the show. "Your suggestion has been given full consideration by our production staff, and unfortunately, there is no interest at this time. However, if there is any change in plans, we will be sure to notify you." The letter was dated January 24, 1968. On March 19, with not a word to the NRTWC, the Johnny Carson Show presented Gloria Steinem, a red-hot activist for Chavez, for Women's Liberation, and for the New Left—and one of the major suppliers of talent for the "radical chic." Mrs. Steinem was there specifically to tout Chavez and the grape boycott—and her message would have won her unqualified admission to the Ananias Club. Bill Cosby was substituting for Carson that night, and he asked: "How about the conditions (in Delano)? Give me an idea of what you saw and how you felt about it?"

Mrs. Steinem: "Well, I don't know. It's kind of hard to sit here, well-fed and all dressed, and describe what it's like. But it's a little, dusty town, just like a lot of other towns in the Central Valley. This is the heart of the agri-business, which is an enormous industry. This is not just farmers, or anything. This is land that's owned by the railroads and the banks, land that is the size of many European countries. Even a family-owned farm turns out to be a \$14 million-a-year corporation. So these are the adversaries that the workers face. But they have no assets at all. The government seems to be, in many cases, on the side of the growers."*

Cosby: "Of the money."

Mrs. Steinem: "Yes ... and that's why the conventional kind of striking techniques

* Mrs. Steinem was propagandizing on a relatively high plane. Dolores Huerta, less inhibited, told a Mutual Broadcasting audience—and her patently ridiculous statements went unchallenged—that ... "If a worker tries to find out who he is working for, he is fired. If he tries to find out what his wages are going to be for the next day, he is fired ... It is hard to believe, but many farm workers were fired for having Kennedy bumper stickers on their cars."

hasn't worked, and they have to do it with a consumer boycott. Now some of the wine companies have all (*sic*) signed contracts and recognized the workers. But the table grape companies have not, so there's a nationwide boycott on California table grapes, which has been quite successful, and I think is getting more so. And maybe the end is in sight, for the first time.

Cosby: "Well, you have to put a pinch on the pocketbook, and it'll be a goodie. We have a commercial at this point ..."

Following the commercial:

Cosby: "We were talking off camera about the appeal you wanted to make."

Mrs. Steinem: "Yeah, well one of the things they need most importantly, aside for everybody not to buy California table grapes, is a doctor ... They need somebody who's dedicated, who believes that medical care is a right and a privilege, who wants to revolutionize society from the ground up ..."

The "Tonight" show as not merely presenting a pro-Chavez guest. It was making itself a vehicle for a pro-Chavez plea. Hugh Newton, director of information for the NRTWC wrote to Gilroy, enclosing a text of the Steinem remarks and requesting that Mendoza be given an opportunity to present another side of the case. This was ignored. Thereupon, Newton wrote to the Federal Communications Commission. He received, in reply, the routine form letter which the FCC sends to those who complain about one-sided coverage or improper use of the public air waves. The Johnny Carson Show, to cover its tracks, put on Senator George Murphy, who presented the anti-Chavez side well, but from the standpoint of the growers. The pickers were left out as if they were what the Soviets used to call "non-people" in the early years of the Communist revolution in Russia.

Local television stations—"Panorama" in Washington was one—gave Mendoza a chance to tell his story. And as he traveled about the country, he received a certain amount of press coverage. When he spoke at Boston College, the Christian Science Monitor gave him fair and extended coverage, demonstrating that he had a real story to tell.

"... This is the way Mr. Mendoza told it in Boston:

"He said the boycott has begun to hurt the workers. It lost them 1½ weeks of work this year, according to Mr. Mendoza. The growers stopped harvesting until orders for grapes were affirmed.

"it was then that Mr. Mendoza, as general secretary of the Agricultural Workers Freedom to Work Association, which represents the antiunion grape workers, began to make the workers' position known outside of California's San Joaquin Valley.

"Mr. Mendoza said that Mr. Chavez turned to the boycott after a three-year, \$10-million effort failed to persuade more than 2 percent of California farm workers to join his union ...

"Conditions on the Di Giorgio farm community of Sierra Vista which has been unionized by the UFWOC were described by Mr. Mendoza: 'The people there used to have nice homes and a man to care for the children during the day at a cost of only the \$5 per month required by California law for employment insurance. The housing was free. Now the conditions are horrible. The wage is a flat \$1.85 an hour and the people must pay \$3.50 per month to the union and \$1 per week toward the strike fund.'

“The Di Giorgio ranch used to be 4,000 acres employing 2,000 workers. Now it is a ghost town,” said Mr. Mendoza. “This is a direct result of unionization and we know it! The union sent out a call for 200 workers for Di Giorgio and was able to muster only 25 men!”

“Mr. Mendoza cited the results of the Nov. 5 election as indicative of the protest against the Chavez union among the workers of Kern County. ‘Most of us were branded “Democrats” when we were born and have identified with and voted for Democratic candidates. Kern County has always voted Democratic, but all Republican candidates won this year in the county.’

“Mr. Mendoza said that this vote was a protest against Democratic candidates, notably Hubert H. Humphrey, Eugene J. McCarthy, and the late Robert F. Kennedy, all of whom supported Cesar Chavez and the UFWOC.

“The issue is not a ‘strike’ of California grape workers because there is no strike,” he said. “Most of us are residents of the Fresno-Delano-Bakersfield area. We pay taxes and send our kids to school. Many of us own homes; we are not migrants’ ...

“At issue, asserts Mr. Mendoza, is the threat of compulsory unionism should Mr. Chavez succeed with the boycott. Mr. Mendoza represents more than 4,000 of the 5,000 workers employed by Giumarra who, he said, ‘want no part of Cesar Chavez or his union. We are independent from the growers and from the union and want to maintain that status.’”

Mr. Mendoza gave examples of violence in Delano. He said people opposing Mr. Chavez have suffered broken windows, arson, telephone calls in the night, and have been followed.

The dispute has set brother against brother, he asserted, and a state of near-war exists between the two opposing factions ...

“The workers feel ashamed about the kind of publicity that has been created about the Mexican-American’ said Mr. Mendoza, ‘publicity that paints us as poverty-stricken, starving, naked, and without shoes.’ “

California workers are covered by more state and federal laws than in any other state and work throughout the year, he said. After the harvest, workers can prune, cut and tie the vines. There is only one month out of the year that they are not employed in the vineyards, and during that month they can work picking oranges.

Ninety percent of the vineyard workers live in the Delano area, and the other 10 percent come from Texas and other states for seasonal work during the summer harvest to benefit from California’s high wages.

But this kind of attention was rare for Jose Mendoza. He carried his bag from city to city, brushed aside by officials who were supporting the boycott but who would not compromise their opinions by exposure to a few facts. Everywhere he went, he deplored “this three-year-old humiliation to our race” and characterized Chavez as “just another tool being used by the AFL-CIO to throw us into a dishwasher type of union.” The UFWOC followed him, charging that he was in the pay of the growers, and it even filed a suit against him, which dribbled off. But by the Spring of 1969, he was getting tired of his out-of-a-suitcase existence, of his migrant battle for the grape workers. To one reporter, Mendoza, who has four children, said he was returning to the fields where, if Chavez did not win, he

could make out “pretty well” as a picker. By this time, he knew that the growers were weakening. His fight was theirs, but they did not seem to know it.

VIII. Chavez Wins, The Grape Workers Lose

Early in 1969, while George Meany and the AFL-CIO were thundering for farm labor compulsory unionism under the National Labor Relations Act, his lobbyists were quietly working on Capitol Hill to help enact a series of amendments to the NLRA which would have totally excluded agriculture from the mainstream of collective bargaining. The bill—S. 8 in the Senate and H.R. 1004 in the House—would have in effect restored the pernicious closed shop, outlawed in industrial relations since 1947—and placed the farm worker in a straightjacket. Significantly, the measure had the strong support of Senators Edward Kennedy, Edmund Muskie, and Jacob Javits.

Meany’s demand for NLRA “protection” for farm workers made good public relations sense. Even opponents of the Chavez hi-jack, or some of them—saw in the Meany proposal only that it would require representational elections in the fields and foreclose the possibility of continued secondary boycott such as the one then being mounted by the UFWOC. They failed to see that under the NLRA, farm workers on ranches which signed with UFWOC would be compelled to join the union, pay dues, and see their dues money being spent to finance the “revolution” that was eternally on Cesar’s lips.

The Kennedy-Muskie-Javits bill, however, went far beyond that. It was, as I wrote at the time, one of the “most regressive and undemocratic pieces of legislation this writer has ever read. Should it be enacted, it would leave the farm worker completely at the mercy of the labor bosses and management.” It would have allowed a union official—without the knowledge, participation, and/or consent of a single farm worker—to sign an agreement with an employer establishing hours, pay, benefits, or lack of same. And the farm worker, moreover, would be compelled to get his job through the union—and have the blessing of the union before he could even apply for work. This would invite all the abuses and corruption prevalent today on the nation’s waterfronts where hiring halls are the practice—in tacit violation of the NLRA. If the worker’s politics or the color of his skin or the way he parted his head did not please a union official, there would be no work and no recourse under the law.

At the time, S.8 seemed like the kind of labor extremism that even Cesar Chavez would not endorse. He was still calling for an NLRA “umbrella” over the farm workers. But it was not long after this that Chavez got the message. At a pres conference in Delano, he stated frankly that he wanted “exemption” from those provisions of the NLRA which prohibited the secondary boycott, which provided for representational elections, which barred the closed shop, and which gave the states the power to enact anti-compulsory unionism statutes. Senator Kennedy, of course, knuckled under immediately and asked Chavez to submit the kind of farm labor bill he wanted. Meany rapped Chavez lightly across the knuckles for wanting too much, but he and his lobbyists continued to press quietly for passage of S. 8.

By June of 1969, however, Cesar Chavez and the UFWOC were no longer interested in advocating or opposing Federal legislation. For they realized that the small grape growers

were beginning to bend. Pressure and harassment from activist groups had reduced grape sales in the supermarkets and such chains as A&P had formally joined the boycott. Profiteering had entered the picture, with small produce distributors buying table grapes at disaster prices. Facing bankruptcy, the small growers had turned to the banks for help and discovered to their dismay that Chavez had found himself some powerful though unwitting allies. The bankers refused to give support to the growers. In effect, they said: “Unless you can tell us who will buy your grapes, where your market is, we can’t lend you the money to tide you over.”

Martin Zaninovich, spokesman for the growers, could still say on June 16 that 93 percent of the table grape ranchers were standing firm. He could whistle in the dark that the growers had not suffered any significant losses as a result of the boycott. But ten grape growers were already announcing that they were ready to negotiate with Chavez, and one of them noted that it was “obviously absurd” to say that he had not been hurt. “We are now selling grapes below our cost of production,” he said, “and the boycott is the major factor in this ridiculous situation.” Zaninovich might say that the growers would never “sell out the American consumer or agricultural worker”—or that “no rump group can turn this industry and its workers over to Chavez”—but who believed him?

For Chavez had seen the handwriting on the growers’ wall, and he was ready to push onward. For the first time in almost four years, the investment of millions of dollars in his UFWOC seemed about to pay off. When ten growers, producing a third of the table grapes in their district, asked for peace, it was at least the end of the beginning for resistance to UFWOC. When the Federal Mediation Service moved in to “assist” in the negotiations, that was clearly the beginning of the end.

(The battle over farm labor legislation was not over in Washington. In 1969 Senator George Murphy would introduce a “Consumer Food Protection” bill which would stir up conservatives and liberals alike. It called for no strikes at harvest time, secret representational elections, no secondary boycotts, arbitration of labor-management disputes, and administration of the act by a three-man board in the Agriculture, rather than the Labor Department. But it was fatally flawed by a compulsory union clause patterned on that of the NLRA—and Congress was in no mood for further labor compulsion. Without the compulsory union clause, the Murphy bill would have had a chance at enactment. With it, right-to-work legislators were joined by their left-wing colleagues in an opposition difficult to overcome.)

But the real action was in California, and when Al Caplan, labor relations consultant for the ten negotiating growers, said, “We have no intention of reaching any agreement without the approval of our employers, and we call on the general public to support our position,” the grape pickers of Delano and the neighboring towns took heart. “We really believed it,” one picker told me many months later. “We knew the growers were having a hard time, but we never thought they would sell us out without warning and without looking out for our interests.” But behind the scenes, the terms of that sell-out were already being discussed.

Closeted in Los Angeles with a Federal “mediator,” the ten growers had raised the first and paramount question in any opening collective bargaining session: “How many of our workers belong to your union? How many of them do you actually represent?” Backed by

the Mediation Service, the union flatly refused to discuss this point—and the growers accepted instead a “promise” that any contract agreement would be submitted to the workers for “ratification.” It was, of course, a promise that was never kept. Then they moved on to the terms of the contract.

By July 3, however, it became apparent that the union wanted everything for nothing. Lionel Steinberg, who had spearheaded the move to negotiate and broken the front against Chavez—to his considerable profit—continued to woo the UFWOC. He had agreed to recognize the union without any proof that it represented his workers—“despite my belief that many of the workers do not support the union.” He had agreed to a closed shop and a hiring hall. He had agreed to the union’s demand for a minimum wage of \$1.75 an hour, and 25 cents a box in incentive pay. He had even agreed to a union tax on his profits. With Steinberg playing the Judas goat for the UFWOC, what could the other growers do? Bankruptcy was staring at, at least a third of those who could not afford to harvest at a loss—and Chavez remained recalcitrant, demanding and getting a recess.

Every concession had led to greater union intransigence, and with the negotiations in abeyance, Dolores Huerta had ungratefully invaded Steinberg’s offices demanding a \$2.00 an hour minimum wage plus everything that the growers had already agreed to. Faced by this attitude, the growers asked President Nixon to intervene. This got them nowhere, and Caplan, in desperation, told the press, “The union’s position is an attempt to bring the table grape growers to their knees. It has only one real resolve—to rule the industry or ruin it.” Nevertheless, Caplan added, the growers were willing to return to the negotiations. But the deadlock continued.

There was a good reason for this. While Steinberg was willing to do just about everything that Chavez demanded, UFWOC was secretly talking to a far larger group of growers in Delano. If he could bring them into line, Chavez—conducting the negotiations by remote control from a “sick bed”—could have the triumph he had planned and dreamed of for almost five years. On July 29, 1970, like a bolt from the blue, the grape pickers learned that they were once more forgotten men and women. I talked to some of them months later.

One worker said to me: “We were not warned about this. We were not told it was going to happen. Do you want me to tell you something about the day before they signed the contract? We had heard rumors. We went around telling everybody, the day before, and no one believed us. I tried to get 200 people over to the VFW hall the morning of the signing of the contract. We stood over there and you know how many showed up? Fifty. Because they didn’t believe that the growers were going to sign.”

Another worker said: “You know what happened to me? One week before they signed the contract, the growers sent a message to me that we will support you all the way. They told us before they signed the contract that they would have nothing to do with Chavez. Two weeks before that they were meeting with him. At least they could have had the decency to tell us. We have to sign. We have to do it, but we all found it out on the news, on television.”

She mentioned a Delano grower. “He said, ‘I will pull every vine before I sign. I will plant alfalfa or anything you know that you have to harvest with machinery.’ He was one of the first to sign.”

They celebrated the signing of the contracts²⁶ growers and the union—in Delano’s VFW hall. Not a worker had been consulted and not a worker had a word to say about being inducted into a union not of his choosing. Chavez was there. He had gotten out of his uniform of blue jeans and carefully un-pressed plaid shirt and was wearing slacks and a white silk brocaded shirt, the black Thunderbird symbol—or “dead chicken,” as the Delano pickers call it—embroidered on the collar. Bishop Joseph F. Donnelly had sent a message from Hartford Connecticut: “The fruits of dignified labor remain ever sweet.” And the New York *Times* reporter, Steven V. Roberts, was so overcome that he broke into poetry. “The campesinos ... crowded in, faces burnished by the sun, hands roughened by the earth, backs bent by endless days of toil. And their eyes, their proud dark eyes, filled with tears of joy.”

None of the deeply moved reporters present mentioned—or even remembered—that once the contracts were signed, Cesar Chavez forgot about the pesticides which, he had so passionately pointed out, were poisoning so many thousands of people. (“All grapes will be sweet grapes again,” he said at his victory celebration.) The grapes that were unsanitary were suddenly purified—just so long as they bore his Thunderbird union label. A signature on a contract made them safe to pick, safe to eat.

In November of 1970, on one of my trips to Delano, I asked Jack Pandol to tell me what had happened. He is a man of abounding optimism—a trait of the self-made—and he was obviously not going to spend his hours in bitterness. He would get along with the union, if that was possible, and he was realist enough to know that the major sufferers would be the grape pickers. For social historians—and for those who are bored with pre-packaged accounts by the mass media—here is his story:

How did the boycott work?

“You get in some of the large cities where they’ve got rolling bands and large chains and all you need is about 40 people. First they harass a chain so darn badly that one man can work three or four stores in a weekend. That’s all it takes. And then they will get the company executives’ phone numbers and sit on the phones—this is another pet project. Then they phone constantly. You get some priest or rabbi or somebody—Rabbi So-and-So or Father So-and-So, and they get a bunch of kids. One priest came all the way from Montreal to New York, I guess there is no sinning in Montreal. Whether you are Catholic, Protestant or Jewish, there is still some respect for a man in that position. This is harassment, and the supermarkets would rather work without that, and consequently they to other products.

“On grapes, of course, our own personal problem, it got to where there was absolutely no profit left, just nothing. It got to where this last year each of my partners made only \$3,000 apiece for all of our labor for the whole operation. We were very fortunate. Many around here are still in the red and maybe will never recover. There are two or three places I know that are going into bankruptcy. Last year, the season of 1969, we had one of the heaviest crops that we have had in grape history. Now couple this with certain markets being closed. So we had a lot of profiteering from the small independents. Maybe they were buying a box for say, \$2.00 which would be about 6 cents or 8 cents a pound.”

What is the normal price?

“Well, at \$4.00, we don’t make any money. A box has to sell at \$4.50 or \$4.75 in Philadelphia for us just to make a little bit. These independents were selling it back there for \$2.00, \$2.50. They would buy for 7 cents or 8 cents and sell for 59 cents, 69 cents a pound. And some of the chains felt, what the heck, as long as we are having all these problems, we might as well go ahead and make a big profit. If not, what the hell, they said, we won’t handle grapes.

“This year, we had one of the lightest crops that we’ve had in many years. Because of the marketing problems that we had last year, many people did not have the capital to go ahead and do the cultural work in the vineyards. And we also had one of the worst freezes and a bad heat wave, with the weakened condition of the vines because of some of the growers not having enough money for proper irrigation, proper fertilization and what have you. Many of the table grape shippers elected to save \$400 an acre on grape culture and to the wine route. Table grapes was probably the best thing in the world for the farm worker because he had more length of time at work, more pay. What Chavez did in effect was destroy \$400 plus of wages per acre, so if they stopped 10,000 acres, this was a lot of millions of dollars of hand work.”

Which were the chains that buckled first? Safeway was one, wasn’t it?

“No, Safeway was the strongest. The union took a national position and really harassed Safeway. In fact, if you read the union pamphlets, you’d swear that one of the Safeway directors had some 300,000 thousand acres of grapes. Well, what they were talking about was Chandler, who owns the Los Angeles *Times*, and who owns a ranch where there are no vineyards. All it amounts to is oak trees.”

When the union began signing up some of the growers, how did it work out? Did they approach you?

“Up to today, I have never spoken to Cesar Chavez. What happened is that Lionel Steinberg, out in Coachella, signed first. He thought he was going to be a national hero, but as it turned out, he lost the respect of his workers, he lost the respect of the growers, all the chains and the industry. But then you had two more, the Disputo company and Bianco. They had absolutely no alternative. The banks didn’t say ‘Sign,’ but unfortunately what the bankers were saying was, ‘How can I give you money if you don’t know where you are going to market your products? Unless you have a clear-cut agreement or program for marketing this year, we can’t finance you.’

“That opened the door. Once a grower signed, union officials would get on the phone and call their friends. If you had bugged (union labeled) grapes, there would be no trouble. The good liberal establishment was out there saying, ‘If you buy this stuff, we’ll make sure nobody pickets you. But if you buy the ‘scab’ grapes, then we are going to give you fits in the stores.’ A grower would sign and he would sell his product with his neighbors watching him. The union boys sent out wires to all creation about it. In fact, we have to report to the union daily now, so they know where every shipment is going so they can control the movement of these grapes.”

You have to report?

“Yes, sir! We have to make a daily report and tell them where every box of grapes went. So they know exactly what stores get them—what city and when it was shipped. We are supposed to do the same thing with lettuce now. Either we go along with them or they harass us.”

You have no pressure at all from the pickers?

“One of our crews, it took about ten days before they could be convinced that they should sign. Our workers have never signed with the union. The only thing they ever signed was an authorization for deduction of \$10.50—I think that they called it back dues—and \$3.50 a month. That is the only thing they ever signed. My employees tell me they don’t have any union cards. We tell the union that we will not give them a penny unless we have an authorization card. Any man that works for us, we are supposed to police him and screen him and see that every employee is on the check-off system or we are supposed to turn him in. Otherwise, it is a breach of contract.

“There were mass meetings here in Delano just prior to signing. The workers felt they were being sold against their wishes and our answer was that if we didn’t sign, then they wouldn’t work because we couldn’t sell our product. The prize example was when Imperial Distributors had an election. The organization had already signed with Chavez. The workers voted against Chavez because they didn’t want to join the union. And Chavez said, ‘Now we can’t clear your grapes, so you can’t sell your grapes. We are really going to bear down on you.’ So as soon as the manager of this company heard this, he had to go back to the employees and tell them that they voted wrong. He told them, ‘I may not like it and you may not like it, but I have to sell my grapes so you can work. Now how are you going to vote?’ They voted unanimously in favor of going with the union. They saw the light and learned their lesson.”

The workers told me last night that they are making more per hour under the union, but earning about two-thirds of what they used to. How does that work out?

“Wages have been going up steadily for the past five or six years. If you look at the curve, say for the past ten years, the curve has not changed just because of Chavez. It hasn’t all of a sudden skyrocketed. Compare it with Oregon or Washington, where we have always paid within one or two cents of each other, they are still following the same curve as we are. We have been paying more money—5 cents, 10 cents, 15 cents, whatever it is, higher annually. Last year, they only worked three or four days a week.”

Is it true you have to pay some sort of royalty to the union?

“We have to give them a donation of 2 cents for every package that we produce whether we sell it, dump it, or whatever happens to it. I don’t know what they do with the money. I have asked them. I keep hearing rumors that it is going to the Roman Catholic Church. As one Roman Catholic, I tell you right now that I am going to the Federal government and IRS and demand an investigation if this is going to the church. Because it is a conspiracy between the church and the union. They force us into something and then get a kickback. I don’t know where this money is going and the union won’t tell me. My receipts from the union say ‘donation,’ and in our case we handle nearly a million packages a year, so at 2 cents that is a \$50,000 donation.”

How did the Church stand on secret representational elections?

“I was asked by the group of growers if I would set up a meeting between ourselves and the Bishops Committee, and all we asked—my instructions were that the bishops stand behind the recommendation of Governor Reagan. Let there be a fair secret ballot election among the workers. And if there was an election and the workers accepted the union, then the growers would have agreed prior to the election unconditionally to sign

with the union. If the workers rejected it, then they would have to leave it alone. And I made two calls to Monsignor Roger Mahoney of Fresno who is one of the spokesmen for this Bishops' Ad Hoc Committee. The man laughed at me the first time and the second time he was practically in hysterics that I would even consider elections because this was something he couldn't understand and he said, 'Why do you want to have elections? Forget the elections. It is too late.'

Who is hurt most by the union—you or the worker?

"Well, look at it this way. If we wanted to use this union ship, this is the most beautiful set up for us employers. We can make it into a 'sweetheart' deal with the union bosses and the only ones who lose will be the workers and consumers. For example, in the past we tell a man to straighten up and fly right and he tells us to go to hell and goes over to our neighbor and goes to work. He has freedom of movement. But now with this check-off system, this ranch seniority, if I fire him he's in a hell of a shape. He's at the bottom of the list. In fact, now we have a new tool. If he gets a little out of line, we can tell him to go home for three days. Now he sits home for three days and he has no place to go. If we want to now, we can get awful ornery. You can always catch a man doing a bad job. Just tell him that this job isn't just right. But we remind ourselves that the workers didn't unionize us. We unionized them. The union makes sure that it gets their dues, but for me I can get awful mean with those guys. We can always catch enough error in a man's work and send him home for two-three days and after he's back the steward says he hasn't done a good job and we fire him. And then where does he eat unless the union can find another job for him? In the past, we may not have had a job for a man, but if he was good, we always tried to find a place for him. But now, under union rules, we can't do that."

Can the union force you to fire a man?

"If they want him fired, according to the contract, I have no alternative but to have him dismissed."

They don't have to give a reason?

"No, they don't have to give a reason. We can't even hire anybody without the union okaying it. The contract says that they are the sole judge of hiring priorities. They don't have to show any cause or reason for asking you to fire someone. They just say that person is not in good standing, period. And it states in there that just because they pay their dues, it does not necessarily guarantee their good membership."

And that's the way it was and is for Jack Pandol and his workers. Under the contract, man proposes and the union disposes. It was all neat, all tidy under the contract.

IX. The Contract and the Workers

At the ceremonies marking the signing of the contract between the San Joaquin growers and Cesar Chavez's UFWOC, John Giumarra Jr.—a college-trained, second generation rancher who, unlike his parents, had not struggle up from poverty—made a little speech. "We are starting a new relationship, here," he said, "a relationship that's going to be a very important one. Our businesses and your jobs depend upon it. We have to work together and respect each other and go forward for a better life for everyone."

It was a nice speech, coming from a man who was at ease both at work in the fields and with a balance sheet. As a grower, he knew that the union would sharply reduce the productivity of his workers, that there would be some trouble, that his costs would increase. But he also knew that he could live with it by raising prices. And if this failed, he could shift to wine grapes and bring in picking machines to reduce his labor costs.

But the grape workers of Delano saw immediately what was in store for them. The union officials promised faithfully in negotiations that there would be a secret vote of the workers, once the contracts were signed. But this promise was honored in only one instance. The growers merely informed the workers that they were in the union and that failure to sign a check-off slip would mean dismissal. But it was far worse than that. Bishop Hugh A. Donohoe could write to one of the growers whose conscience bothered him that any man who demanded the “right to work” must be “looked upon as a mental case.” And he could state blandly that “we made it a necessary part of every contract”—the *we* referring to the Church and the union, presumably—“that before it becomes binding the opportunity of a ratification election by secret ballot he offered to the workers. As far as I know, this was done in only a few cases and principally because the growers themselves did not insist upon it. They felt reasonably assured that UFWOC did represent a majority of the workers.”*

But with the growers now in the Chavez camp, the workers knew that they were completely bereft. California law’s labor code protected those who wanted to join a union, but it was ambiguous as to the rights of those who did not. In this regard, the law was toothless. It stated:

“Every promise made ... between any employee or prospective employer or any other person is contrary to public policy if either party thereto promises an of the following:

“(a) To join or to remain a member of a labor organization ...

“(b) Not to join or not to remain a member of a labor organization ...

“(c) To withdraw from an employment relation in the event that he joins or remains a member of a labor organization ...

Such promise shall not afford any basis for the granting of legal or equitable relief by any court against a party to such promise ...”

But it stated flatly: “Any person or agent or officer thereof who coerces or compels any person to enter into an agreement, written or verbal, not to join or become a member of any labor organization, as a condition of securing employment or continuing in the employment of any such person is guilty of a misdemeanor.”

In other words, if an employer or any party in a collective bargaining agreement forced a worker to get out or stay out of a labor organization, he was guilty of a misdemeanor. If he compelled him to join a union, there was no recourse in law for the worker. Or so the code seemed to say.

This was but one of the problems for the grape workers. Having been coerced into “joining” UFWOC, on pain of losing their jobs, they found themselves members of a

* As an expert on UFWOC and one of its clerical allies, certainly the Bishop should have known that prior to the election, the union—in reporting to the United States Department of Agriculture—had claimed less than 2,500 dues-paying members.

union which was openly threatening to “get” those who had opposed Chavez and his efforts. Almost immediately after the contract was signed, Richard Chavez, brother of *El Jefe* (the chief), as the modest Cesar had become known, had boasted that anyone who said a word against UFWOC would be fired. On the economic level, the workers were told that the union would discourage overtime and that their teenage children (who made school expenses during the summer by working under state labor permit in the fields) would now be barred. This meant, for many families, the end of that added income which paid school expenses in the winter.

This fear of a blacklist was not merely based on the conduct of the now-triumphant union, nor on the threats made to various grape workers. The UFWOC contract hinted broadly at it in Section IIA which states:

“Union membership shall be a condition of employment ... *The Union shall be the sole judge of the good standing of its members.* Any worker who fails to become a member of the Union ... or who fails to pay the required initiation fees, periodic dues or regularly authorized assessments as prescribed by the Union shall be immediately discharged upon written notice from Union to Company. *The preceding sentence is not intended to limit the grounds for determination of good standing.*” (Emphasis added.)

This clause made it very clear that the union, as “sole judge” of the good standing of the workers, could demand the firing of anyone for any reason. When Larry Quintos, a Hawaiian picker, bought a head of 5-cent lettuce at the distress sale of a grower under union attack, Richard Chavez threatened him with a \$100 fine, though Quintos had crossed no picket lines. Failure to pay that fine, other pickers knew, could mean expulsion from the union and dismissal from work—with no recourse under the contract.

But Section IIA told only part of the story. The pickers knew and told me that the growers had committed themselves to far more than this. And the pickers were correct. The growers had signed a secret “Memorandum of Agreement” with Chavez and the union and I was able to get a copy of that agreement. It is a chilling document in its disregard of the Constitutional and human rights of the workers—and I quote from Section 4:

“It is agreed between the Company and the Union that *there are certain employees* employed by the Company or who may be employed by the Company, *the names of which are to be agreed upon by the Company and the Union, whom the Union claims have substantially impaired the Union’s organizing efforts in the grape industry* and who might disrupt the contractual relationship between Company and union if their anti-Union activities are allowed to continue. Therefore, the Company agrees to carefully explain to said employees that *they can no longer engage in such activities and that, if they continue to do so, they will immediately be fired.*”

“Thereafter, upon presentation to the Company by the Union of written evidence of such activity (which is detrimental to Union in a substantial matter) by a named employee, the Company shall discharge said employee immediately. The above-mentioned employee may request a joint meeting of Union and Company before such action is taken. After such meeting, *if Union still demands that said employee be fired,* the Union shall so inform the Company in writing and the demand *will be effected.*” (Emphasis added.)

In signing this secret memorandum of agreement, the growers had also signed away all the rights of their workers under the First Amendment (free speech, free association) and destroyed the right of any member to protest any action of the union, no matter how

arbitrary or pernicious. When the workers were dragooned into signing check-off slips, they were compelled to pay \$10.50 for “past dues”—although they had never been members before. To protest this invasion of their pocketbooks would have been a substantial matter”—so they remained silent.* When the union, in violation of the contract, called work stoppages which cut down on workers’ earning, those who protested were told that they had no choice and that if they insisted on making their points, they would be fired.

The contract itself is an interesting document. Though union propaganda stated that hourly pay had been increased to \$1.90 an hour—this was not true. In the initial year of the contract, pay was increased to \$1.75 an hour—10 cents more than what the workers had been getting. But this was wiped out by the \$10.50 initial payment and the \$3.50 a month dues. (The minimum rate before the contract had been \$1.65 an hour.) The small grower was badly hit because the contract prohibited a grower or his family to work in the fields with his men.

The contract did not mention this, but in the secret “Memorandum of Agreement,” it was stipulated that if a grower sold, leased, or conveyed in any manner a part of his land, the contract would still apply. This feudal arrangement tied the land—as well as the owner and the people who worked on it—to Chavez and the UFWOC. This successor clause struck directly at those growers who needed to turn to the banks for financing, and the banks let it be known that they would be hesitant to advance money to those who could not dispose of their property freely and without strings.

The most significant clause of all concerned the hiring hall, which was embodied in the contract. The hiring hall is an interesting aspect of union domination of worker and employer. If A wants a job, he does not go to the employer. He registers with the union, first joining it since he is not eligible for union services unless he is a member. This establishes a closed shop, which is illegal under the National Labor Relations Act. As previously noted, if the union does not like you, then leave town. You will never work. But even when hiring halls are run without discrimination,* the hiring hall is a restraint on worker and employer alike.

* Interestingly, the union realized that coercing the new members to pay “past dues” might look bad. The check-off slips were therefore changed. They still included the \$10.50, but with no explanation. Some workers were told that the \$10.50 represented advance dues to cover the period during which they would be unemployed. Among themselves, the pickers complained that they were being forced to pay dues for times when they were not working—but ha they made an issue of it, they would have been subject to dismissal under Section 4 of the secret memorandum.

* It should be noted here that Chavez openly set up his union as a vehicle for Mexican-Americans. Significantly, according to official California statistics, the Mexican-American makes more and does better in farm work than the so-called Anglo. In Delano, the Anglo has very little chance to find gainful employment since Chavez took over.

Under the terms of the contract, the grower must notify the union two weeks in advance of the number of workers he will need, the approximate date needed, and the duration of employment. Forty-eight hours in advance, the grower must give the union an exact date of when he needs the labor. If the union cannot supply the needed number of workers on time—leaving the grower high and dry—it is not penalized. And the union is not required to inform the grower at any point that it cannot supply the workers needed. In an industry dealing with a perishable crop, this clause works to the serious disadvantage of both the grower and the individual worker. Under the contract, the union can supply unqualified workers—a serious matter during such skilled operations as pruning, which determine what will grow later in the year. The Company must hire these unqualified workers. Of considerable importance in the operation of the hiring hall is that it destroys continuity of labor. Up to now, growers and workers in Delano have worked together—the same grower and the same workers—for years. This situation will no longer exist.

The contract further states that workers cannot be held responsible for breakage of tools and equipment. In the early days of the contract, some workers were dropping stones into the gondolas of wine grapes, thereby damaging machinery. But the grower cannot penalize the worker for this, even if equipment is deliberately destroyed. A clause in the contract calls for arbitration of grievances but there are no limitations as to what comes under this category. If the union decides that it wants to reopen the wage question, presumably settled in the contract, it can do so. The contract states that there will be no strikes or boycotts. If, however, the union violates this clause, it is not held accountable. The contract has a much touted “vacation” provision, but only those who have worked 2,000 hours in the year are eligible.

Many provisions of the contract are detrimental to the growers. But since they signed it—no matter under what pressure—it can be argued that they made their bed and are now welcome to lie in it. But the major injustice of the contract is against the workers whose present and future were bargained away without so much as a by-your-leave from them. The reaction among the pickers of Delano was one of despair and/or defiance. “We have no friend, we have no one to fight our battles,” say the pickers. “We counted on the growers to protect us, but they thought of their own money, their own problems. They did not think of us. Isn’t Delano a part of the United States?” Others took a different view. “There’s only one way we can bring our problems before the American people. We’ve been good people until now. We haven’t done anything when the union threw stones at us, when it called us dirty names. We did nothing when they burned down the sheds, when they picketed our homes. Maybe the time has come for us to return the violence. Unless you are violent, who pays any attention to you these days? Look at civil rights. Look at the colleges. If a few of the Chavez people got beaten up or killed, if we rioted a few times, then we could get the union off our back and go to the peaceful and friendly Delano we knew.”

But there was another alternative, a wiser and better one—and the responsible members of the grape worker community in Delano—turning away from despair and defiance—accepted it. The answer, they anxiously felt, was in the courts, in the legal structure of the United States. Congress might someday write a law that would protect them—but they doubted that it would be enacted while AFL-CIO lobbyists and AFL-CIO

campaign contributions wielded so much muscle in the counsels of government. The courts were the answer.

Fortunately for those pickers—some of them self-educated in labor law as a result of the Chavez invasion—there was the National Right to Work Legal Defense Foundation to help them.

X. Does the Law Protect the Worker?

When the grape growers signed with Cesar Chavez, the workers looked about them with anguished bewilderment. They had always believed, with a kind of simple faith, that justice and equity was not in short supply in these United States. They had pulled themselves out of poverty and lived in a way that pleased them. In their own eyes, they had attained a dignity which they would not surrender. In a period of a few years, they had seen this destroyed. Delano, which had been called a “Little United Nations” was now an armed camp, rife with hatred and dissension.

At the beginning of the struggle, they had turned to the Church—and the Church had rejected them. They had looked to government to rescue them, and the senators and congressmen who involved themselves in the battle looked at them scornfully and embraced those who were plotting to deprive them of the rights and their way of life. They had persisted in the belief that the growers would never bend, but this alliance had been smashed when it ran head on into profits and economic survival. As one picker said to me, “We are the loneliest people in the world. We did not worry about the stones and insults they threw. But when they take our food away, how can we continue to fight?”

They knew of only one organization which had fought for them, had helped them with only one thought in mind—to prevent them from being forced into a union they did not want. The National Right to Work Committee had been their friend—and that the committee had been badmouthed by the union, its motives challenged and its field workers denigrated, only served to confirm what the grape pickers of Delano felt. The NRTWC was their only hope, and a group of workers made contact with “Duke” Cadwallader, president of the committee—a former worker himself and, interestingly, still a member of a union. That they trusted and admired Cadwallader was strongly apparent when I saw him in a worker’s home, talking to a large group of them, quieting them when they got too excited, listening to what they had to say, giving them encouragement, and being one of them with no Messianic rhetoric.

What they said to Cadwallader, in effect, was: “For the love of God, is there anything you can do to help us. We are completely at the mercy of the growers and the union. We’ve got nobody. Some of us have been working here for 25 to 30 years, and all at once Chavez can force us to join his union, all at once our employers are out there telling us that we have to join.”

Cadwallader could, of course, promise nothing. But he submitted their case to the lawyers of the National Right to Work Legal Defense Foundation, set up to use the law to challenge practices which had become rooted in the American system but which were violative of the letter and the spirit of the United States Constitution. The lawyers studied the contract between Chavez and the grape growers. They reported that (1) it was not

Constitutional, and (2) that they thought there was a reasonable chance of getting the courts to declare it null and void.

“We told the workers that if they wanted to enter a lawsuit on the basis of the violation of Constitutional rights that were written into that contract, the Foundation would support the suit financially,” Reed Larson, Executive director of the NRTWC, has said. “It was to be their suit, but the Foundation promised to assist them in the preservation of human and civil rights threatened by compulsory unionism.”

The original plan was to have as many of the pickers as possible as complainants, and the Foundation sent field men to Delano to get signatures on authorization forms. In the first few days, it was necessary only to show the petition to a worker to get his signature. But when the union learned what was happening, it moved swiftly. Workers were told that if they signed the authorization petitions, the union would see to it that they were fired. Union business agents brandished copies of the contract, pointing to Section IIA, threatening to invoke it. One worker, who was circulating a authorization form in the fields—a form which already had 100 signatures—saw it snatched out of his hands and torn up by a union organizer. Two of the Foundation’s field men were run off the road outside of Delano. Nevertheless, in short order, 240 signatures—representing more pickers than Chavez had been able to recruit prior to the capitulation of the growers—plus the 100 that were destroyed were collected. At this point, the lawyers decided that it might be better to have only three plaintiffs.*

The defendants named in the suit were the United Farm Workers Organizing Committee, Cesar Chavez, Larry Itliong, twenty-six growers, and 100 John Does. It was filed with the Superior Court of the State of California for the County of Tulare. Subsequently other suits were filed before the Kern County Superior Court and the United States District Court. All three, when they have moved to the Supreme Court will be landmark cases, although the press—finding no murder, rape, or barratry involved—has given them short shrift.

Perhaps the most obvious thrust of the suit was the obvious legal principle that no contract between two parties is binding on a third—the heart of every compulsory union contract. But in researching the case, the Foundation’s lawyers discovered to their surprise that California’s basic labor law actually prohibits compulsory unionism. On further research, however, they found that the courts in California had “interpreted” this “right to work” statute out of existence—spinning it around to mean compulsory unionism. This gave them the lever. By filing their appeal under the First, Fifth, Ninth, and Fourteenth Amendments, they could argue that the action of the state courts had made it possible to violate the Constitutional rights of the plaintiffs. State action was essential for the filing of a Constitutional case.

* The three grape pickers chosen were Josephine Gabaldon, Lawrence Quintos and George Aglipay—rock-solid people who have already paid for their temerity in standing up for their rights. Josephine Gabaldon, who has a son in Vietnam, has been forced out of the industry because she would not pay Chavez to keep her job; Quintos has been vilified and threatened by the union; and Aglipay, who once led a crew of workers, has been demoted and now can hardly find work with the growers.

The complaint, therefore, cited the fact that the defendants—union and growers—had signed a contract stating “the terms and conditions under which all the plaintiffs and the class they represent are required to work.” After quoting the pertinent sections of the contract, the plaintiffs stated that “defendant union does not now and did not on the date of the signing of the contract or at any time prior thereto represent a majority or a substantial portion of the agricultural workers ... nor does a majority of substantial portion ... desire to be represented by defendant union.” The contract, moreover, was violative of the First, Fifth, Ninth and Fourteenth Amendments to the Constitution and “deprives plaintiffs and the members of the class they represent of the freedom of association, the right to work, the freedom to pursue the occupation of their choice ... and other fundamental rights and liberties ...” It was, in effect, a brief but direct attack on the Constitutionality of compulsory unionism—something Chavez and his battery of lawyers understood.

The response of the Chavez union was an interesting one, splitting hairs and attempting to lead the courts away from a confrontation with the real issue. Union lawyers argued that the courts “lacked jurisdiction” because the plaintiffs had not asked enough in damages; the complaint was invalid because its charges were not pinpointed against any particular growers but to the growers as a group; that it was invalid on the further ground that it did not specifically state for which grower or growers the plaintiffs had worked. In a “memorandum of points and authorities” supporting their motion to dismiss the suit, the Chavez legal team filed a brief such as this writer, in his admittedly not marathon experience in covering the courts, has never seen. It seemed to be written for publication in the AFL-CIO News or *El Malcriado*, rather than addressed to judges who are presumably interested in points of law rather than in self-serving statements.

The lawyers argued that Chavez’s fellow defendants, the growers, were not very nice people and that they had hired “strikebreakers” from Texas and Mexico when a “majority” of the grape pickers had walked off the fields. It further argued that the plaintiffs were not entitled to relief because they had continued to work during the “strike” while the union had suffered incalculably. The union, through its lawyers declared that having failed to unionize the workers by the usual means, it was “compelled” to use the weapon of economic boycott. The plaintiffs had further compounded their sin by working against the Chavez union. Defending the blacklist provisions of the contract and the Memorandum of Agreement, the union rather curiously argued that “a new and relatively weak union ... has a right to insist on contract terms which will insure it survival.” And then it admitted what Chavez had always denied: “Defendant union represents but a small sample of California’s farm workers and can hardly be said to monopolize the availability of jobs.” English translation: Because the union only represented a small part of the farm workers, it had a right to be repressive and illegal.

The union further stated that it was an act “of statesman ship and generosity” on its part that it had not insisted that all those who had not gone on strike—almost the entire labor force in Delano—should be fired out of hand under the contract. Then doubling back on its tracks, it brushed aside its failure to grant the representational elections it had promised by arguing: “Representative elections were not held prior to execution of the contract in dispute because of the enormous cost, the tremendous complexities of deciding

who should vote, and the long period of time required to arrange such a procedure.” And then it let a tremendous cat out of the bag: The union had spent \$70,000 to win the infamous DiGiorgio election in which it had brought “green carders” from Mexico and voted dead members of the union, in typical Tammany Hall fashion. And in countering the suing grape pickers, it made another damaging admission: “A private contract which violates the rights of third parties cannot be in and of itself violative of the Fourteenth Amendment.” No mention was made that the Federal Mediation Services had been involved in the negotiation of the contract, which took it out of the “private” realm. Moreover, said the brief, “there is no Constitutional right to work per se ... Plaintiffs have no constitutional right to work ... Employment per se is not a protected right.”

The plaintiffs’ rejoinder, prepared by Jonathan C. Gibson and the law firm of Jacobus, Islan & Humpal is a classic in the misty area of Constitutional law, where it concerns the rights of a worker to hold a job against union opposition. I therefore quote it at great length:

I

The complaint alleges that the compulsory union membership portion of the collective bargaining agreement between the defendant union and its officers on the one hand and the defendant employers on the other is on its face and in its operation and effect violative of the First, Fifth, Ninth and Fourteenth Amendments of the Federal Constitution and Sections 1, 9, 10 and 13 of Article I of the Constitution of the State of California.

The agreement requires full and unlimited union membership with all of the obligations it ordinarily entails as well as additional burdens of a special kind.

Under Section II A, of the contract “union membership shall be a condition of employment” and each worker is required to become a member of the union immediately following seven (7) continual days of employment, and to remain a member of the union in good standing. The union is to be the sole judge of the good standing of its members, but there is no reference to any charter or by-laws provision setting forth the basis upon which this judgment is to be exercised, leaving the worker exposed to ill-defined and perhaps unlimited risks of discharge. Any worker who fails to comply with any of these requirements is to be immediately discharged by the employer upon written notice from the union.

Under Section IV A and B it is provided that whenever an employer requires workers it shall notify the union giving the details of its requirements. The union is to use its best efforts to furnish the requested number of workers. Only if it fails to do so is the employer free to procure needed workers from another source. These are provisions commonly found in closed shop agreements.

In Section IV 4. the union is given the right to require the employer to fire any employee whom the union charges with anti-union activity and with respect to whom it presents to the employer “written evidence of such activity (which is detrimental to Union in a substantial matter).” The decision of the union is specifically made final on such questions.

Under Section IV 8. C priority in work referrals is to be given in the following order: 1. Strikers. 2. To grower of prior employment and 3. New registrants.

The complaint alleges that the defendant union does not now and did not on the date of the execution of the agreement represent a majority or a substantial portion of the agricultural workers working for the defendant growers, including plaintiffs and the members of the class they represent, nor does a majority or a substantial portion of those agricultural workers desire to be represented by defendant union.

The complaint further alleges that plaintiffs and the members of their class have been threatened with discharge from their employment, have in fact been discharged, demoted, subjected to job classification discrimination and transfer, and have been refused employment all because of the operation of the agreement.

II

There is no qualification upon the requirement of union membership under the contract in this case such as is found in the federal statutes referred to by defendants, including the National Labor Relations Act, where the obligation of membership is confined to payment or tender of initiation fees and dues. There is a major distinction between the two types or arrangements, especially where the membership is imposed by compulsion.

When defendants say in their Memorandum of Points and Authorities that dues and assessments may be spent for any purposes not prohibited by law and calculated to promote the objective of the organization, and failure to pay them is ground for suspension of membership, they undoubtedly are referring to what may be done under full union membership. They no doubt have full union membership in mind when they say that the union has the right to expel members who refuse to abide by reasonable regulations and the lawful policies of the union or who engage in conduct detrimental to the interest and purpose of the union, or who defame its officers, and that the union has a right to discipline its members.

Defendants equate the full union membership provided for in the contract here with voluntary union membership where the worker takes on all the obligations under the constitution and by-laws to which he subscribes upon joining the organization. The obligations imposed under both of these types of arrangement are far different than those imposed when the worker is compelled to comply with the provisions of a modified union shop under the National Labor Relations Act where the only condition of employment consists of the payment of initiation fees and dues. The distinction is exemplified in *NLRB v. Allis-Chalmers*. Their members of a union crossed picket lines during a strike and worked as usual at the plant of the employer. For this they were disciplined by their local union which levied fines and when they were not paid brought suit in the state courts to collect them. The Court held that the legislative history of the National Labor Relations Act showed that Congress did not wish to interfere with the right of a union to manage its internal affairs, including the right to fine members who cross a picket line during a strike. Answering a contention that the union should not be allowed to punish employees who worked during a strike when they had been compelled to join the union under a union shop clause of the collective bargaining agreement, the court observed that the employees involved in the case before it, were full union members who had executed the pledge of allegiance to the constitution of the United Automobile Workers and had taken the oath of

full membership had fully participated in the proceedings leading to the strike and had attended the meetings at which the secret strike vote and the renewed strike vote were taken. The Court said on this point:

“The collective bargaining agreements with the locals incorporate union security clauses. Full union membership is not compelled by the clauses: an employee is required only to become and remain “a member of the union * * * to the extent of paying his monthly dues.

The majority en banc below nevertheless regarded full membership to be “the result not of individual voluntary choice but of the insertion of [this] union security provision in the contract under which a substantial minority of the employees may have been forced into membership.” 358 F 2d at 660. But the relevant inquiry here is not what motivated a member’s full membership but whether the Taft-Hartley amendments prohibited disciplinary measures against a full member who crossed his union’s picket line. It is clear that the fined employees involved herein enjoyed full union membership. Each executed the pledge of allegiance to the UAW Constitution and took the oath of full membership. Moreover, the record of the Milwaukee County Court case against Benjamin Natzke discloses that two disciplined employees testified that they had fully participated in the proceedings leading to the strike. They attended the meetings at which the secret strike vote and the renewed strike vote were taken. It was upon this and similar evidence that the Milwaukee County Court found that Natzke ‘had by his actions become a member of the union for all purposes ...’ Allis-Chalmers offered no evidence in this proceeding that any of the fined employees enjoyed other than full union membership. We will not presume the contrary. Cf. *Machinists v. Street*, 367 US 740, 774, 6 I. Ed 2d 1141, 1164, 81 S Ct 1784. Indeed, it is and has been Allis-Chalmers’ position that the Taft-Hartley prohibitions apply whatever the nature of the membership. Whether those prohibitions would apply if the locals had imposed fines on members whose membership was in fact limited to the obligation of paying monthly dues is a question not before us and upon which we intimate no view.” 388 US 196, 197 ...

III

To force a worker against his will to join an association and to take on the obligation of full membership in a union violates his constitutional freedom of association.

The freedom of association is a fundamental right guaranteed by the Constitution of the United States. It is a composite right derived from freedom of speech, freedom of assembly, freedom of petition, as well as the general right to liberty of action. It accords to the individual the right to order his life as he sees fit, to choose where he will work and what, if any, church, political party, fraternity, lodge, society, league, club, union or other private organization he will join and support. It has both an affirmative and a negative

side—it guarantees the right not only to join but to refrain from joining any private organization or association.

To impose compulsory union membership violates the right of association protected under the First, Fifth and Ninth Amendments to the Constitution of the United States.

The Supreme Court of the United States has repeatedly declared that the right of association is guaranteed by the Federal Constitution ...

In *Gibson v. Florida Investigation Committee*, the Court said at Page 544:

“This Court has repeatedly held that rights of association are within the ambit of the Constitutional protections afforded by the First and Fourteenth Amendments ... The respondent committee does not contend otherwise, nor could it, or, as was said in *NAACP v. Alabama (US)*, supra, “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the liberty assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.” 357 U.S. at 460.

The right not to join is a necessary corollary to the right to join an association. All freedoms rest on choice and where choice is denied freedom is destroyed in the process. If men are to be free to join unions they must also be free not to join. Otherwise they have no freedom of association but a duty or obligation to join an organization selected not by themselves but by others which is the essence of coercion and the very antithesis of the freedom of choice of the individual which is the core of American constitutional liberty. The right to be free from a requirement to join a union as a condition of employment is an essential ingredient of the right of association, just as the freedom of speech includes freedom to remain silent ...

IV

Freedom of opportunity to engage in the common occupation of life is a fundamental constitutional right secondary in importance only to the right to life. All save for a small fraction of mankind must work for a living and a denial of the basic means of survival imperils life itself. Every man has an inherent right to an opportunity to seek and retain the gainful employment which he desires for which he may be fitted and which is available in an economy of free enterprise. Just as it may not be wholly denied, the right to work may not be fettered by artificial and unnecessary restrictions or the imposition of unreasonable or arbitrary conditions such as a requirement of union membership.

The Supreme Court of the United States had held that the right to work is one of the inalienable liberties guaranteed to all by the Constitution ...

The right to work was declared to be a plain and self-evident principle of American constitutional law by Justice Charles Evans Hughes when more than fifty years ago he said for the Court in *Truax v. Raich*, where the Court said:

“It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal

freedom and opportunity that it was the purpose of the amendment to secure.”
239 U.S. at 41.

The amendment spoken of by the court is the Fourteenth Amendment which restrains any state from depriving an individual of life, liberty or property without due process of law—a restraint which is operative against the federal government under the Fifth Amendment.

The constitutional right to engage in one of the common occupations of life may not be made subject to unreasonable or arbitrary conditions. *Smith v. Texas*, 233 U.S. 630 (1914)

The Supreme Court held that the statute violated the guarantees of the Fourteenth Amendment. It pointed out that:

“Insofar as a man is deprived of the right to labor his liberty is restricted, his capacity to earn wages and acquire property is lessened, and he is denied the protection which the law affords those who are permitted to work. Liberty means more than freedom from servitude, and the constitutional guarantee is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling.” (233 U.S. at 636).

The Court went on to hold that just as a man may not be absolutely prohibited from engaging in one of the ordinary vocations of life, so he may not be forbidden to do so except on compliance with some arbitrary and unreasonable condition:

“The liberty of contract is, of course, not unlimited; but there is no reason or authority for the proposition that conditions may be imposed by statute which will admit some who are competent and arbitrarily exclude others who are equally competent to labor on terms mutually satisfactory to employer and employee. None of the cases sustains the proposition that, under the power to secure the public safety, a privileged class can be created and be then given a monopoly of the right to work in a special or favored position. Such a statute would shut the door without a hearing upon many persons and classes of persons who were competent to serve and would deprive them of the liberty to work in a calling where they are qualified to fill with safety to the public and benefit to themselves.” (id. at 638)

The decision illustrates the constitutional principle that the right to work is protected not only against complete abrogation but also against the imposition of arbitrary and unreasonable conditions. Full union membership is just as unreasonable and arbitrary a condition of employment as the qualification struck down in *Smith v. Texas*. It cannot, consistently with due process of law, be used to admit only full union members to employment in vineyards and exclude others equally competent to do the work or to create a privileged class of full union members with a monopoly of right to work in the fields.

The Supreme Court of the United States has not passed on the constitutionality of the closed shop. It has adjudicated this issue with respect to the union shop in only a limited number of cases. Only three cases have been found. They arose under Section 2, Eleventh of the Railway Labor Act, 45 USC S 152, Eleventh, which provides much like Section 8 of the National Labor Relations Act, 29 USC 158, cited by defendants, that a carrier and a labor organization may make an agreement requiring all employees to become members of the union, provided there is no discrimination against any employee, and provided that membership is not denied nor terminated “for any reason other than the failure of the employee to tender the periodic dues, initiation fees and assessments (not including fines and penalties) uniformly required as a condition of acquiring or retaining membership.”

In *Railway Employees Dept. AFL v. Hanson*, a so-called modified union shop was held to be constitutional because its only requirement was that employees should compensate the union for their services as collective bargaining representative. The Court stated that if an agreement went further than that, the question would be considered when it arose ...

In *International Ass'n of Machinists v. Street*, the question was whether the same type of a union shop agreement was unconstitutional because union dues collected under it were used for political and ideological purposes over the objection of the employees from whom they were exacted under threat of discharge. The Court held that such a use of forced contributions raised constitutional questions of the utmost gravity. It decided, however, that 2, Eleventh of the Railroad Labor Act could reasonably be construed to forbid such a use of the money of employees making it unnecessary to decide the constitutional issue ...

The gravely doubtful constitutionality attends other aspects of forced association under the closed shop or union shop. The Supreme Court made it clear both in *Hanson* and in *Street* that the constitutionally doubtful questions embraced not only the use of money for political and ideological purposes but also other aspects of forced association.

Thus in *Street* in analyzing its holding in *Hanson* the Court said:

“Thus all that was held in *Hanson* was that § 2, Eleventh was constitutional in its bare authorization of union-shop contracts requiring workers to give “financial support” to unions legally authorized to act as their collective bargaining agents. * * * * We clearly passed *neither upon forced association in any other aspect* nor upon the issue of the use of exacted money for political causes which were opposed by the employees.

The record in this case is adequate squarely to present constitutional question reserved in *Hanson*. These are questions of the utmost gravity. (Under-scoring supplied.)

The other aspects of forced association of gravely doubtful constitutionality extend to a number of other features found in the contract in the case at bar with its requirement of full union membership over the objection of a majority of employees. Examples are: (1) the rule subjecting any employee to discharge whenever the union in its uncontrolled discretion finds him not in good standing. Another is (2) the prohibition that the union

may choose to regard as anti-union activity, or any form of disloyalty to the union, including advocacy of the selection of another union as collective bargaining representative. (3) the ban on crossing union picket lines, (4) the requirement of obedience to everything contained in the constitution and by-laws of the union, (5) subjection to the discipline of the union for any infraction of union rules or orders, and (6) the super-seniority of strikers regardless of length of service or even the absence of any previous service.

There are many other things that may be required of a person who voluntarily joins a union and takes an oath to obey its constitution and by-laws, but which cannot be forced upon a person who does not desire to assume those obligations or to join the union.

The imposition of these requirements is at least of doubtful constitutionality under the decisions of the Supreme Court and a complaint which asks for relief from them is an appropriate subject for adjudication on the merits. The complaint in this case is therefore clearly not subject to disposal by demurrer.

VI

The same principles apply under the Constitution of the State of California. Under Sections 1, 9, 10 and 13 of Article I of that instrument the people of the state are guaranteed freedom of association, the right to work, the freedom to pursue the occupation of their choice, freedom of speech, and freedom of political action. The Supreme Court of California has not had as much occasion as the Supreme Court of the United States to consider the constitutional issues involved but there is no reason to assume that it would arrive at different conclusions ...

Although compulsory union membership agreements originated long ago there were relatively few of them until within the past thirty years. Their more recent increased prevalence produced counter action such as state right to work laws and the restrictions imposed by Section 8 (a) (3) of the Taft-Hartley Act of 1947. The unions attacked the constitutionality of the state right to work laws in *Lincoln Union v. Northwestern Co.*, 335 U.S. 525 (1949) and *American Federation of Labor v. American Sash and Door Co.*, 335 U.S. 538 (1949). But the Supreme Court of the United States sustained their constitutionality in those cases. In the first of those cases the union urged "that the right to work as a non-unionist is in no way equivalent to or the parallel of the right to work as a union member; that there exists no constitutional right to work as a non-unionist employment free from discrimination because of union membership is constitutionally protected." (335 U.S. at 531).

In rejecting these contentions the Court said:

"There cannot be wrung from a constitutional right of workers to assemble to discuss improvement of their own working standards, a further constitutional right to drive from remunerative employment all other persons who will not or cannot participate in union assemblies. The constitutional right of workers to assemble, to discuss and formulate plans for furthering their own self-interest in jobs cannot be construed as a constitutional guarantee that none shall get and hold jobs except those who will join in the assembly or will agree to abide by the

assembly's plans. For where conduct affects the interests of other individuals and the general public the legality of that conduct must be measured by whether the conduct conforms to valid law, even though the conduct is engaged in pursuant to plans of an assembly.”

The defendants cite several cases where the courts upheld the validity of closed shop or union ship agreements. But on examination it turns out that no constitutional issues were raised in those cases. It is hornbook learning that under such circumstances the decision cannot be taken as an affirmative expression in favor of constitutionality. As the Supreme Court said in *Boyd v. Alabama*, 94 U.S. 645 (1876) at Page 548:

“Courts seldom undertake in any case to pass upon the validity of legislation where the question is not made by the parties. Their habits is to meet questions of that kind when they are raised but not to anticipate them. Until then they will construe the acts presented for consideration, define their meaning and enforce their provisions ...”

VII

There can be no doubt but that where governmental action, State or Federal, is present a contrast must meet the test of applicable constitutional provision. The question on this branch of the case, therefore, is whether governmental action is present. The presence here of such action would seem to be fairly obvious, but since defendants contend to the contrary we shall set forth the authorities in support of our position.

While there may have been a time when a union shop agreement executed by an employer and a union was solely a matter of private action under the doctrine of *Adair v. United States*, 208 U.S. 161 (1908), and *Coppage v. Kansas*, 236 U.S. 1 (1915), that time, however, has long since passed. Years ago legislative bodies, State and Federal, began to enact statutes regulating labor relations. Those statutes, together with judicial decisions construing them and setting forth public policy in the area have increased in number and complexity. One of the subjects they have considered is compulsory union membership.

The resulting law in California is invoked by the defendants in Section C, Paragraph 8 of their Memorandum of Points and Authorities. They say that union shops are favored in California. In Section C, Paragraph 12 they say that under the law here closed shop as well as union shop agreements are not only legal but are encouraged and protected. Obviously there is governmental action where by state law a union shop is favored, encouraged and protected. Defendants, therefore, have refuted their own argument that no state action is present. They may take inconsistent arguments but they may not have it both ways. They cannot maintain that union shop agreements are sanctioned by state law and at the same time assent that there is no governmental action.

The defendants are right in the first of their inconsistent arguments—where they contend that under California statutes and judicial decisions compulsory union membership agreements are favored, encouraged and protected ...

Just as a state may not legislate with respect to a railway union ship because the federal government has occupied the field, so in California a municipality may not legislate with

respect to a union shop because the state has not only occupied the field but has also done so in a way favoring, encouraging and protecting the arrangements.

In passing upon what constitutes “state action” sufficient to raise constitutional questions under the Fourteenth Amendment, the Supreme Court early said that the questioned action must be “sanctioned in some way by the state, or * * * * done under state authority in shape of laws, customs or judicial or executive proceedings.” *Civil Rights Cases*, 109 U.S. 3, 11, 17 (1883). This principle was subsequently reaffirmed in *Shelley v. Craemer*, 334 U.S. 1, 14, (1948); See also *Hughes v. Superior Court*, 339 U.S. 460, 466-07, 94 L ed 985, 993 (1950). Governmental action is shown wherever private parties have been aided “in some way” by “government’s thumb on the scales.” *American Communications Assn. V. Douds*, 339 U.S. 382 (1950). In that case the Court said at Page 401-2:

“Power is never without responsibility and when authority derives in part from government’s thumb on the scales the exercise of that power by private persons becomes closely akin in some respects to its exercise by government itself.”

We submit that in the case at bar the thumb of government is on the scales and governmental action is present by reason of the intervention of the legislature and the courts in favoring, protecting and encouraging the closed shop and the union shop ...

What was being argued here by Gibson, one of the nation’s leading labor lawyers, was more than an individual case of union high-handedness—or even the fact that Chavez and UFWOC had been thrust down the throats of thousands of unwilling people. He was, in effect, challenging the judiciary of the United States to face up to the problem of freedom versus compulsion—which it had long evaded. Neither the workers nor the National Right to Work Legal Defense Foundation wanted it that way. Both the workers and the NRTWLDF realized that a narrow decision which merely gave the grape pickers a representational election would be worth anything. As one worker said to me, “So, okay, we win an election. And we defeat Chavez. He’ll keep coming back until and coming back ... and in the long run we’ll lose. What we want is the right to stay out of a union even if he twists enough arms to force the growers or some of us to climb in bed with him.”

I was in Delano just before the first test in Tulare County’s Superior Court came up. The workers were worried. They didn’t believe that it was possible to get a fair test in the courts, so badly were they burned. And the lawyers in Visalia had their own worries. Would the Superior Court decide that it had no jurisdiction? Would they then be shunted to a Federal court which also said it lacked jurisdiction. If they could pass this hurdle, they were on their way to writing a little legal history. Or a lot of it. The judge, they knew, was neither for them or against them. But he was a fair man.

The Tulare court did not disappoint them. To the chagrin of the Chavez legal battery, the decision opened the door for the rest test of compulsory union of the past decades. The battle ahead would be a long one. And it would, undoubtedly end up before the United States Supreme Court. This was where, significantly enough, the grape pickers of Delano wanted to see it.

XI. The Road Ahead

The victory of Cesar Chavez over the grape workers and growers sent shock waves throughout the nation's agricultural community. It brought home to the defeated a realization that the great crusade in the San Joaquin Valley—"la causa"—was only in part the Chavez determination to remake one sector of agriculture in the revolutionary image of his dreams. The New Left, which had backed the "huelga"—and the Catholic clergy which, Chavez admitted, "twisted the arms of the growers"—had thought in terms of "social revolution." But in a very real sense, they had been pawns in a much larger struggle.

Behind it was the much greater determination of George Meany and the AFL-CIO to put in the straitjacket of compulsory unionism the last body of American labor still protected by the Bill of Rights. Meany had repeatedly said this in his usual blunt way at press conferences and in his conversation with labor leaders. Without the AFL-CIO, the Chavez drive in California would have died of worker opposition and the intuitive understanding by the general public of the issues involved.*

VIII

Meany's statement to a press conference on August 5, 1970, said it very loud and clear. A reporter asked: "Mr. Meany, in a release here you say that you are determined to bring ... collective bargaining to other farm workers around the country. How do you propose to do this, sir?"

MEANY: "By extending the activity that we've engaged in in California to other areas of the country. Actually, when we started we selected California as sort of a test—and it's been a long fight—as to how effective we could be in organizing farm workers ... We expect to go further on the West Coast, but on the basis of our experience in the West Coast, we're going to try to spread this to Texas and to other areas of the country ..."

REPORTER: "What did you learn out of the grape strike in California?"

MEANY: "Well, I think we learned ... that a boycott can, in some cases, be much more effective than a strike. It's quite obvious that it was not the strike that won for us in the table grape field in California—it was the boycott which was nationwide and supported by all our central bodies and all our affiliates and by all of our membership throughout the entire country ..."

REPORTER: "What is your potential?"

MEANY: "Oh, the potential is enormous. I don't know. It's tremendous.... We have spent just as much as we could possibly afford to spend and we are going to continue to do that ... After we issued the new charter in 1966 which created the merged organization

* All public opinion polls have shown that the overwhelming majority (65 percent) of the American people oppose compulsory unionism. It is only the vast war chest of AFL-CIO money, shrewdly employed to keep Congress in line, which has blocked anti-compulsory legislation on a national level. After all, when a Senator like Birch Bayh of Indiana, admittedly received \$70,000 in AFL-CIO funds for his campaign—plus immeasurably greater help from union-paid campaign workers—he was not likely to incur Mr. Meany's displeasure.

under the leadership of Cesar Chavez, we spent a total of \$635,000 ... The total amount that we've spent ... is \$2,060,000 ...”

REPORTER: “Mr. Meany, I thought that Mr. Chavez’s representatives testified a year ago that they did not want to come under Taft-Hartley legislation.”

MEANY: “Well, there may be some difference on that, but I’m of the opinion that this (Taft-Hartley) could be very, very helpful in organizing ...”

REPORTER: “Is the AFL-CIO going to push for ... NLRB coverage for farm workers?”

MEANY: “Oh, yes! ...”

REPORTER: “Well, if you had this legislation ... would it not outlaw the grape boycott and similar boycotts?”

MEANY: “I don’t know if it would or not, but we wouldn’t be worried too much about a boycott if we ha the law. We would have other means under that law to organize.”

The Murphy bill, a monstrosity put together and promoted in a multi-million dollar campaign by the California public relations firm of Whittaker & Baxter, played right into George Meany’s hands. For whatever benefits it may have given the growers as a sweetener, it gave Meany precisely what he wanted—compulsory unionism, and with this, he “wouldn’t worry too much.” The Murphy bill failed because the growers—and the pickers, had they been consulted—were not that gullible. It is interesting that Whittaker & Baxter put together their “legislative package” without the advice of the American Farm Bureau Federation or the California Farm Bureau. The Farm Bureau accepted it reluctantly only because some of its large members were stampeded into believing that it would stop Chavez. In point of fact, it would have aided him immeasurably. The impetus for the Murphy bill came from a few large growers who felt they could outsmart the AFL-CIO, and the Farm Bureau was maneuvered by them into what amounted to repudiation of its traditional position in favor of voluntary unionism. Fortunately, there were enough members of the Senate who understood what the bill proposed to lay it away, at least for the time being, in legislative mothballs.

By the time the grape growers capitulated, the throat of Meany’s argument was already being felt in the Salinas area, California’s great center for the lettuce industry. Within days after the Chavez victory in Delano, he had begun moving his organizers to this area. This had so terrified the lettuce growers that they called in the Teamsters to negotiate a contract—again, as in Delano, without a by-your-leave from the workers who protested loudly and volubly. Thereupon, William Grami, of the Western Conference of Teamsters, announced that growers representing 75 percent of the lettuce industry in Salinas, with 5,000 employees, had signed a five year contract. It should be noted here, however, that some of the growers—Bud Antle was one—had been unionized by the Teamsters for some ten years.

Chavez was furious. “They can’t get away with this,” he said. “They’re signing contract for *our* members. This will be the biggest God damned headache they’ll ever have.” It was, he accused, an “unholy alliance” which violated “an explicit agreement” with the Teamsters dating back to 1967 that agriculture was his territory. Edward G. Robinson, playing Little Cesar, could not have shown greater moral indignation over a hijacking by the other mob. And this was precisely what Cesar Chavez was saying. In a jurisdictional battle, he was

arguing that the lettuce workers belonged to him, not the Teamsters. That the men and women involved had expressed no choice and had nothing to say about who would collect their dues—or whether they wanted their dues collected by anyone—was immaterial. They were merely chattels—less important than a piece of machinery—to be fought over by rival unions.

Were the consequences not so tragic, what followed would have been low comedy. George Meany put pressure on the national officers of the Teamsters to call off their organizers in California, on pain of breaking off the negotiations for re-admittance into the AFL-CIO. The Teamsters dutifully offered to turn over their contracts to Chavez and the UFWOC. The growers, who had signed contracts, refused to let the Teamsters off the hook. Chavez declared a boycott of “non-union lettuce”—the Teamsters, to him, were “scabs”—and went on another “fast.” Suits and counter-suits were filed, and Chavez was enjoined from pressing his strike against Bud Antle. He refused and went to jail for contempt, then was released pending litigation. The Catholic Bishops Conference on Farm Labor mobilized its forces. The cafeteria at Stanford University displayed Teamster-picked lettuce under the sign, “non-union.”

But the screams of outrage, by Chavez and his supporters had begun to turn shrill. The messianism was wearing off. And there was a serious question in some minds as to the efficacy of a lettuce boycott. It had been relatively simple to cut off luxury product like table grapes. But would the millions of restaurants around the country stop serving salad to please Chavez and the AFL-CIO? Could the pickets strike at them as they had against the supermarkets? There were some in California who agreed with George Meany that the boycott was labor’s new secret weapon and that it could be directed towards any commodity.

But they missed the point completely. A new boycott, however ineffective, could and would bring the mass media back into the picture. The pressures would begin once more. And this time, the AFL-CIO would use the agitation to work on Congress. Success or failure, economically speaking, was beside the point. Just so there was agitation, labor lobbyists could storm Capitol Hill with demands for the kind of legislation they had been trying to enact for fifteen years: the compulsory unionization of all farm workers.

There had been solid opposition from the farm states in the past. But Operation Delano had served its purpose. The frightened farmers of America, big and little, were ready to capitulate. Like many Germans during the rise of Hitler, they wanted no trouble. If the cost for maintaining the peace meant the indenture of their workers, it was too bad. They could live with a union contract, particularly if they were thrown a few sops like no-strikes-at-harvest-time clauses. Productivity would decline, but the cost could always be passed on to the consumer.

The only defense for the workers—whether in Delano, Salinas, or elsewhere—lay in three court suits and in the Constitution of the United States. That Constitution guaranteed them the freedom to associate or not to associate. The unions and the growers could cast dice for their life, liberty and property—while the mass media applauded. But life, liberty, and property are what it is all about. The farm workers are not articulate or well-educated, but they understand the issue. If someone were to read them John Donne’s words, “And

therefore do not send to ask for whom the bell tolls; it tolls for thee," they would nod in agreement.