

JERRY COHEN

TAPE 72, CR 97, SR 47, TC 13:00:00

13:06:32 Talk about how the law the ALRA came into, what was it that made it a real idea in '74 and '75?

13:06:49 The law became real as soon as we lost the grape contracts in '73. When we asked the growers for an election in '73 and they told us to go to hell, and the teamsters were negotiating and they signed, you know, the love affair between the growers and the teamsters is a continuing one and they signed their sweet heart contract in '73 and I remember taking a long ride with Cesar in Coachella Valley and basically said, you know at this point, we've got not choice because we've been resisting the law. And so we decided in '73 that we go for a law. And the reality of the strike in '73, that whole struggle created the pressure on various interest groups which allowed us to get that law in '75

13:07:29 When you say Cesar and we in general had been resisting the law, why would you not try for ... what were you going to loose?

13:07:36 See, our friends, we didn't like to be told what to do, and our friends in Washington used to pontificate and lecture to us. And the AFL told us that what we really needed was the National Labor Relations Act, but under the National Labor Relations Act unions could not secondary boycott. And if you want me to back up a little bit, I can tell you how the power of the secondary boycott came about because it's related to where we end up. When I first came to the union, one

of the first things Cesar had me do was get in the car and we drove up to see a labor lawyer who was volunteering his time, it was during the Perelli - Minetti fight. And there were in that lawyer's files boxes and boxes of injunctions, and they stipulated to injunctions under the NLRB which made the secondary boycott illegal....

13:08:19 ...In other words, the union would boycott a store, where Perelli - Minetti wine was being sold, and then these lawyers would stipulate that they couldn't secondary boycott with the NLRB, and the question that had to come to people's minds is, why in hell should farm workers be inhibited by a law which gave them no rights? And the reason was, because we had 9 people at Di Giorgio in a peanut shed, there were commercial workers. So if you have anybody that's covered by the law, the whole union's is covered by the law. So all the other workers had no rights, those 9 guys did and the union couldn't boycott. So what we decided to do was to set up a separate union, which we did, was called the United Peanut Shelling Workers of America, and there were 9 guys in it. And the joke was, since we're the United Farm Workers Organizing Committee, "first you-fwoc and then you-pswa." I don't assume that'll get on TV. But anyhow, we set this union up, Irwin De Shettler was its president, we got them out, we started a secondary boycott....

13:09:12 ...This made a lot of people in labor uneasy, because what it meant was a lot of real people from the fields in front of stores asking customers not to shop at Safeway. And retail clerks, meat cutters, and other people in the stores didn't really like that. So the AFL was putting heat on us, and what they were saying was it's realistic to have the National Labor Relations Act. But we'd lost the power to secondary boycott, so for that reason we resisted the law.

13:09:34 But when you get to '74 and '75 you want to have your cake and eat it, you want to be able to have elections and still be able to boycott if you want to?

13:09:43 Yes, we were fairly cocky. Remember, when the farm workers, you know when they were really moving, is like water running down hill. We felt like even if the Teamsters had the contract, we had the people. And I think that the fact that 3,500 people went to jail in '73 proves the fact that we did have the people. And what we decided to do was draft a law, while Reagan was still governor, that just simply gave us the right to elections. And the gamble we were taking, with no unfair labor practices, and the gamble we were taking, was that the Teamsters would be afraid of elections, and we knew they controlled the senate, they'd kill it in the senate....

13:10:17 ...So in '74 we went through a period of, first drafting the law, which, we wanted to create two main principles, an industrial unit, where all the workers were in one unit, because we figured if they were craft units, that would be like mandating what we call legislative ghettos in the field. So that field workers couldn't get beyond the trucks, they couldn't be on the tractors, OK? ...

13:10:39 ...So we decided, we'll just draft a simple election law and we'll get two principles established. Quick elections, because under the National Labor Relations Act, elections sometimes don't come until the next year. So we demanded elections in seven days at peak season, so most of the workers got to vote, cause we felt confident, that if the pickers were out there we'd win the elections, not the Teamsters. And we wanted an industrial unit. [PIC ROLL OFF] And we got that through the assembly in '74 ...

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13:11:21 OK so in a way the Alatorre bill was the dry run at it, but let's talk about when it really happens, when Brown is elected, when the growers are willing to come to the table, and are not going to block it, talk about how that negotiation works and the dynamic, what did you have to do to make it happen.

13:11:36 Well, first we had to get Brown's attention. And there's a history here, because even in '74 when Brown was running for governor, Leo McCarthy, speaker of the assembly, said we need Brown's help. And Brown wouldn't take our calls, until we threatened to picket him. We sent some people over there, I was running the negotiations in Sacramento, when Brown didn't take the call, some farm workers went to measure his offices, then Brown got the message, and he calls. Well, after he becomes governor, there was silence. We didn't hear from our friend Jerry, this is the guy that used to come around and and professed interest in what we were doing. And what got his attention was the march on Gallo. ...

13:12:14 In, in March of 1975 there were 20 thousand people that marched to Modesto and Gallo, smart as they are, said, "take your problem to Sacramento." Well that march caught Jerry Brown's attention, and a call came in maybe a day or two later, which lead to a meeting at Brown's house in, I think it's in, near Echo Park, in I don't know where it is, it's in LA. Anyhow, Brown, Rose Bird, a professor named Herman Levy, Leroy Chatfield, Jaques Barzagee(?), and Cesar and I went to meet. And Brown said that he was ready to listen to the discussions on a farm labor law. And he had had Rose Bird, his secretary of agriculture draft a law, which we didn't much like. Didn't have, it inhibited our right to boycott, didn't have quick elections

13:13:02 Does that mean that he was ready to let you draft the law though?

13:13:04 No. It meant that he was ready to listen to our concerns, and our position was that we'd rather have no law, than a law that doesn't work. And we had a lot of issues that we wanted taken care of, industrial unit, quick elections, we wanted the right to secondary boycott, we wanted access to the fields, we wanted lists, we wanted all the rights other unions had, plus we thought we needed a little bit more because farm workers after all are, were voiceless and powerless. And that led to Brown introducing a law, which fell far short of our expectations....

13:13:41 ... At that point what we decided to do was attack him, and I had a press conference in Sacramento and I attacked the law. Cesar started going around the Junior colleges and saying that Brown really didn't know a potato from a tomato, wasn't a question whether he could spell it, a question whether he even knew it. So that led to some negotiations which culminated, I think in the first weekend of May in Brown's office, they were weekend negotiations all night. I'd met with Brown in his apartment before that, and I had a list -

13:14:11 Here's a guy that is sympathetic to the farm workers, who hires one of Cesar's chief aids as chief of staff, was this a public show, was this what you call a Dog and Pony Act? Did he say, you've got to turn the screws on so it looks like there's pressure here and then I can respond?

13:14:27 Well, see, the beauty of it, was that it was more ambiguous and ambivalent than that. Because they didn't know how serious we were about a law. They were being told by people like Jim Lorenz that some of us were nuts and didn't really want a law. So Brown was off guard, and frankly our posture always was "the crazier, they think we are, the better, because you can negotiate more." And our posture was, "really if we don't get what we need, we'd just as soon stay

in the law of the jungle,” because we’d hewed out those machetes pretty well and knew how to hack our way through that jungle. ...

13:15:03 ...So it’s a combination. He was sympathetic at some point, but he’s a politician and he wanted to get away as cheaply as possible. And my attitude was, I’m just gonna go for everything we need in this law, until we get stopped -

13:15:19 And the law was passed and by all reports it was a law that gave you what you wanted, in fact the results proved that, didn't they?

13:15:27 It was a good law, it did give us what we wanted. But the dynamics of it were very interesting. I mean, Rose Bird was very moralistic for example about the boycott, and she was criticizing us about putting pressure on stores because at one point she characterized them as innocent parties. And our posture was, they're not innocent parties, they're part of an economic chain, they're making money off this scab fruit. And we had a position about the law which she didn't agree with, she ended up taking her marbles and going home in the middle of the night. Howard Berman came in with Reinhart, and Jerry Brown, and I think Tom Dosell(??) and Tony Gins(??), we cut the deal in the middle of the night.

13:16:05 Let's go on to see how the law works, what were the results in the first two years

13:16:10 The results were incredible, there were like four hundred representation elections, in the first 6 months of that law. And the Teamsters won some elections, but we won a lot more elections. It gave us a foothold. First place, it gave us a legal right to be recognized. And as you know, this fight, by and large was about recognition and dignity in the early years. And this is the best law

relating to farm labor in the country. So we won a lot of elections, and to their credit, the Farm Labor Board, cranked out the paperwork that gave us the certifications. So that the law was passed, when, in May 28 '75, became effective in August, by the following January we, we were negotiating with vegetable growers in Salinas. And we got contracts without striking or boycotting them, as a result of winning elections.

13:16:56 But somehow, I guess is asking too much of a law to actually solve problems because what you saw is two good years and then the law was there but elections weren't being won, contracts weren't being negotiated, something changed.

13:17:10 Well, you see the law created a dynamic that put a lot of pressure on the Teamsters union. We had two big lawsuits and antitrust suit and a civil rights suit, and then we had all these myriad administrative proceedings. And at some point when the Teamsters looked at the bottom line, because that's what they were interested in, they were spending more money than they were getting in farm worker dues. So the law led directly to a Teamster jurisdictional pact, which we negotiated in 1977. After that unfortunately the union became a little inward looking, started to do naval watching. Cesar sort of retreated in into La Paz. Some people think maybe it's because of the lack of competition, that may be one element, but the other element is we were also having some internal discussions and internal problems.

13:17:54 Cesar was someone that function at his best when there was an enemy on a campaign and once the Teamsters were gone and you could win elections, what was the fight, what were you fighting?

13:18:06 Well there're a lot of unorganized growers out there. I don't buy the argument that there was there was no campaign to be fought. We had gotten, what, a certain percentage of vegetables, we'd gotten some grapes, but there're a lot of grapes and a lot of vegetables left unorganized. And as a matter of fact, when you get really good wages from a few growers, it's probably wise to organize their competition so you don't create an unrealistic island and put people out of business. And some of the wages in the vegetables were very good....

13:18:34 ...I don't think that there it was that there was no enemy, I think it was that Cesar was worried about the direction the union was taking. He didn't want to become, as he put it, like any other AFL union. He was worried about becoming another business trade union. And so he focused inwardly on on how to keep the union, you know, a fighting cause.

13:18:55 Was it also that he was worried about losing control?

13:18:59 That probably part of it. I think that , ironically, you see, one of the raps that I've heard about since Cesar died is that he couldn't delegate. I never found that to be the case. I mean he delegated me the power to negotiate that law, he said just do the best you can. He let people loose. Now in the late '70s I think he had some, what I think are unwarranted suspicions, of some really good organizers like Eliseo Medina and Marshall Ganz, and I think that was unfortunate. And I think that sort of made the union a little bit constipated so that they didn't really do much, after the late '70s.

13:19:34 Because their rationale was, once the administration changes the law's stacked against us, that means, we can't organize.

13:19:43 Well, the argument that the Deukmejian administration did in the law is nonsense. It's ironic that a law and order administration like Deukmejian's wouldn't enforce the law. But it's not surprising, because Dukemejian was after all, nurtured by agribusiness. And, you know, one constant in our political life is that politicians tend to cater to the special interests that nurture them. So you can expect Dukemejian to do that. What was surprising is that he got away with it. ...

13:20:11 ...And it seems to me that it comes back to a basic principle, which is that unions that don't organize die. So the union needed to organize because people in motion, create pressure to get laws enforced.

You have to remember that even when Brown was governor we sat in the ALRB offices, we put a lot of pressure on him, because he had appointed some people that were pretty laid back about enforcing that law. And you know that law, was like putting a saddle on a wild horse, it was like a bucking bronco, you really had to focus to enforce it. So ask an organizer like Marshall, he got arrested in the ALRB office. My first hearing in front of the full board I asked for the resignation of Brown's general counsel, cause he wasn't enforcing the law....

13:20:54 ...And how we got the law enforced was to have engaged farm workers who took responsibility for their own lives, go and beat the hell out of those politicians. Because in our experience at least my experience was that Democrats weren't that different from Republicans. If you didn't pressure them, they didn't perform. So the idea that Dukemejian somehow stopped the union from organizing I think is laughable. I think nothing can stop people when they decide to get in motion.

13:21:19 That's like saying Dukemejian was more powerful than the Teamster union than all the growers -

13:21:24 Look, I guess a different way to look at it is, think about this: when we built the union, Reagan was governor and Nixon was president, you had the Teamsters out there on the field, you had yahoo D.A.'s in Kern county, in Monterey county, you had these, the sheriffs acted like the private army of the growers, that didn't stop the farm workers union. So to say that a mediocre politician like Dukemejian could, is just not true. I just don't believe it, never have and never will. And I'm glad the union is starting to organize again, because that'll generate power.

TAPE 73, CR 99, SR 47, TC 13:30

13:30:08 Let's talk about the Teamsters, they were a threat that runs through the union's history, and you kept on fighting them and each time you thought it was over, it wasn't. You started Perelli - Minetti, did you think that was going to settle that?

13:30:25 The Teamsters are, there's this continuing love story between the Teamsters and the growers, you know. And Perelli - Minetti was, in 1967, they had signed a sweetheart contract with a winery, and we, we boycotted the winery and we did get a contract. And one of the first big meetings I was ever at, was at the teamsters headquarters in Burlingame, Cesar and Dolores and I, and there was this big mahogany table and it was like a different world. I never been in a room like that in my life. And to talk about recognition, this really sort of is instructive. Fred Perelli - Minetti would not talk directly to Cesar, he would talk to his attorney, a guy named Dick White, who would then talk to me and then I'd talk to Cesar. That's how strained relations were. ...

13:31:07 ...And the Teamsters to their disgrace, at that point, you know, acted like a handmaiden of the growers. They were used as a weapon. Now, we did get a pact, with them but it was a very short document with no adequate enforcement procedure. But I think that we thought, we really didn't have enough power to do much more than that, so we didn't know if they'd come back. We hoped they'd be gone. But of course they then come back at end of the 1973 when the grape contracts expire. And the signed with the grape industry....

13:31:36 ...And that as you may know might have been engineered right from the White House, because Fitzsimmons was invited to the Farm Bureau and Colson may have been involved, and the growers didn't want elections, and so they basically stole those contracts. Yeah, it is a continuing threat, but the pact that we finally got in 1977 after the pressure of the law, had enforcement mechanisms in it and the Teamsters did abide by that pact.

13:32:10 Talk about the end of the grape boycott, the events in 1970

13:32:17 But I want to say one more thing about the Teamsters all right? You know, in '73 what I understand Grammi called social workers, maybe that's a euphemism for goons, you know, those guys that were pounding us on the picket line? Our response to that at one point was to say, of the Teamsters as they signed these sweetheart contracts, "well you know, once a whore always a whore." And I got a call, from a woman who saw the movie Fighting For Our Lives in which that comment is made, and she was organizing prostitutes in Seattle and she said never compare my sisters to the Teamsters union. So I just wanted you to know that.

13:32:52 Let's talk about 1970 about the final pay off after 5 years of the boycott and the strike, first of all what that felt like when it came...

13:33:02 Well, you know, I was really lucky because I was one of the people negotiating those contracts, so in one way I was the beneficiary of all the hard work that people like Mike Vasquez and Marcos Muños and Jessica and Eliseo and everybody did. It started in Coachella. We got a contract with Lionel Steinberg-David Friedman. And we had a few other contracts that were a result of a little bit of boycott pressure, but basically they were growers that saw the handwriting on the wall....

13:33:30 ...But the dynamic that kicked in was unbelievable, because here we had growers that were resisting even talking to us, and all of a sudden there was a premium price premium for lugs of grapes that had the union eagle on it, the little black bird. And was like, as I told you earlier the Maltese falcon, everybody wanted the black bird on their box. And the first time I sensed the power of the boycott was going into the Tenneco shed, it's a cold storage shed, I think was in Thermal or Mecca, and they showed us, the growers that had union-labeled, there were very few union lugs. The growers without the union labor, those lugs were stacked to the wall. And it felt so great to know that the boycott had started to kick in. So we started getting contracts in Coachella.

13:34:10 Let's look at the other side of it, what do you think those Delano growers felt, you guys, it was like an act of faith, that they would never talk to you, what do you think that was doing to them?

13:34:20 The bird

13:34:32 I know you're talking about people who you don't experience their world, but try to give me some insight into what these Delano growers were like that made them so intractable.

13:34:41 Well, part of it had to do, I think, with race. Part of it, I think, had to do with the fact that we were messing with their land. And part of it had to do with the fact that you had self-made, self-reliant people, who built things on their own, and they were damned if anybody, no matter what race, is gonna tell them how to run their lives. And I have a grudging respect for a lot of those growers. A lot more respect than you have, like for their minions, the sheriffs and the D.A.'s. And I think that they just didn't want to be told what to do on their own land. I mean it was like that scene with Fred Perelli - Minetti, when we settled with the Teamsters, in, in 1967. He really couldn't even look Cesar in the eye and talk to him. He had to transmit his words to his attorney, to me and then to Cesar. It was about basic recognition and dignity and they want to give it to their workers, for some motives that I think we can understand, and some motives that I think are pretty, pretty reprehensible.

13:35:36 So when you finally get a call from John Giumarra, you know that you've really backed these people to the wall?

13:35:41 Well I think one of the most exciting nights of my life was when Johnny Giumarra Jr. called me. It was a Saturday night in July as a matter of fact, it's July 25th, 1970, and he was calling from his 10th high school reunion. And that's kind of interesting because Marshall Ganz, one of our best organizers was also in that class. And he called and he basically said, "my father and I are going to go on a trip and we're going to beat the hell out of the union and we'd like to

meet.” And our posture, you know, was always to play it tough, and I said, “well, you know, go on your trip, and then we'll meet, good luck.” And he said, “no, Jerry, we want to meet tonight.” ...

13:36:17 ...And then I realized that something important was going on that this was the biggest grape grower in the state, 12 thousand acres of grapes, and they wanted to meet. And I was really excited. But I didn't want Johnny Jr. knowing it. And they wanted to meet that night. He called about nine, he called back about ten, Cesar was on the road, I left a message for Cesar, and we met in room 44 of the Stardust Motel. John Giumarra Jr. and John Sr. And basically the position that Cesar and I took at that meeting was that we wanted them to round up all the Delano growers. And frankly we were a little uneasy about that position - (That bird is celebrating the settlement of the strike!) We were uneasy about that position because we didn't know if we had enough power to get these guys, this was the nut of the industry, the hardest people to crack. And when they agreed to round those people up the next morning, it was a hell of a feeling. It was like the culmination of all those years of work that the people had put in on the boycott, so yeah, it was exciting. As a matter of fact, when Cesar died, my first thought was to get a room at the Stardust Motel and go back to the place where those contracts started, that that negotiation started for those contracts.

13:37:31 One of the conditions was that they had to come to 40 Acres to sign.

13:37:36 Yes it was.

13:37:37 Say that again.

13:37:39 When the growers, we told Giumarra first that we had a, we had a few conditions. First we wanted to round up all the Delano growers. They said they could do it. So the next day at, I think the St. Mary school, there they all were. All these people we'd never even seen before, they were just names, you know, it was like the myth of Radovich or Pavich or Caratan, Jack Pandol of course we'd seen because he was a pretty vocal guy. And when we were spinning out the discussions we told them that we wanted them to come to the 40 Acres and sign the contract, and to their credit, some of them decided, well if their going to have to sign these contracts they might as well be in a cooperative, celebratory mood about it. And so they came to the 40 Acres, and that was I think, on Wednesday, maybe the 29th of, it was Wednesday the 29th, when they signed, but you know, we didn't have any time to enjoy that celebration.

13:38:32 But do you remember what that felt like getting them to sit down at the table there at 40 Acres

13:38:37 Well, they didn't sit, they came to sign at the 40 Acres. The feeling for me, was when the call came from Johnny Jr. because then there was a lot of work to be done. Then you had to do the drafting and the language, then I was into like the technicalities of helping put the contract together so the excitement I had was that Saturday night. Seeing them all there, in a way was sort of anticlimactic cause we already had heard that the Teamsters were negotiating a sweetheart deal at Salinas. So it was like a boa constrictor that swallowed a big pig or something. We didn't even have time to digest the meal, we were off to Salinas. No, my excitement was the night Johnny Jr. called. I mean it was wonderful to see the growers at the 40 acres but we knew we had another fight looming immediately on the horizon.

13:39:20 Was there ever a moment during those years when you thought you were out of the woods?

13:39:26 You know, I guess maybe it's 'cause you don't learn that quickly about how entrenched some economic interest are. I thought we'd won. I thought, now we've got the grapes. They signed sweetheart contracts in the vegetables and then we go on to the citrus. I was kind of maybe naive enough to think that we just going to be able to knock these guys off. That's the sense of power that you had. It was wrong because these fights have to be fought over and over again. But those are lessons that you sort of learn, as you get kicked around a little bit.

CR 100, SR 48

13:40:38 We're talking about getting kicked around, that takes us to Salinas in 1970, give me a little background of what it was like when the strike started in Salinas, what were people thinking about.

13:40:49 Well, as you know the teamsters signed a sweetheart contract that gave the workers exactly one halves an increase a year for five years. That organized the workers. We didn't even know where the ranches were. We came up here and people would come in from ranches and say, we're from Man Packing and we'd say where is Man Packing, we're from Hansen, we're from Merrill. I mean workers were pouring in from the valley and so we could thank the Teamsters for what was a huge agricultural strike....

13:41:19 ...The flags were from San Ardo down in south Monterey County, all the way up through Gilroy. It looked like a revolution. And some of these right wing growers thought it was. They had bumper stickers that said "reds lets us

alone.” It was an amazing outpouring of energy. And you know, we had a lot of obstacles to fight, because the Teamsters had signed these sweetheart contracts and the local judiciary was fairly prejudiced and not very good. And injunctions were issued that prevented us from striking. Later we got them overturned in the California Supreme Court because they found that the growers had, quote, felt out the Teamsters, you know, sexual metaphors and imagery for what in fact was a love affair.

13:42:00 But in part this had been brewing for a while because the people in Salinas had been waiting for their chance after the grape contract was signed.

13:42:07 Well that's one way of looking at it, but you know, the union was thinking seriously about the citrus at that point. There had been a few people talking to vegetable workers, but we also were in a frame of mind of trying to get contracts where there was work year round, and we thought citrus would be another good place, like grapes, where you have a lot of work throughout the year. Vegetables come and go, you know, there's a couple of seasons, there's little Winter in August, there's some there's some, picking that goes on in the Fall, but you're dealing with a migratory, moving group of workers. So it wasn't by any means clear, Rick, that that's where we were going. ...

13:42:42 ...And I think that the vegetable growers brought the union upon themselves by doing that. But the outburst, your question was really about the outburst of energy, it was unbelievable. Because it was an education to us of these workers. And I think there's a difference between the psychology of the vegetable workers and the grape workers, and I think it has to do with the fact that these vegetable workers were working in a highly perishable crop, they'd had a history of wildcat strikes, they worked in trios, more closely, they divided the money among

the crew, and they were very tough. And they knew exactly what they wanted, and what they wanted was their own union.

13:43:21 The response was pretty strong and violent and you were caught up in that response yourself.

13:43:28 Yeah I was. We had an injunction that prevented us from striking so we devised a strategy. We decided, well, if they fire the workers, then it's not a strike, and we'll just keep other workers out. And the workers in Hansen, in the broccoli, decided they wanted to participate in this, and what they wanted to do was sit on their broccoli plants until they were dismissed. And then in effect we'd have a strike, even though the judge said we couldn't. So we knew that there were some Teamster goons in town, and we told the workers you can go in and sit on those broccoli plants, but come out by 9:30. And when they weren't out, we got worried, and so I walked into the Hansen field with Jacques Levy, and with the editor of the el Malcriado, Venustriano Olguin(??) and his wife. ...

13:44:12 ...And we were surrounded by some pickups and a bunch of big guys, but I was feeling pretty cocky, I didn't think they were gonna touch anybody, and Hansen confronted us, and said, this is our property, Hansen's property, get off the property. And we said, well we'll leave when we know that the workers are safe, so when they've left, we'll leave. And at that point he said, to this guy Jimmy Pleamons(??) who was a very big guy, "get 'em boys." And all Pleamons did at that point was sort of pick me up, by my jacket and lift me up. And I weighed about 200 pounds at that point, so he, Pleamons was a pretty big boy. So he picked me up and was dangling me, and I think their intent was simply to...[plane]

13:44:56 So you went in Hansen's...

13:44:59 And Hansen said “this is our land, and you're trespassing.” And my response was “we want to know that the workers that are on your land are safe, so when they leave, we'll leave.” And at that point Hansen said, “get ‘em boys.” And a big guy named Jimmy Pleamans, about 6'5" and I think he was over 300, picked me up by my jacket, and I think his intent was simply to just remove us from the property. But I at that point yelled to Jacques Levy, having probably too big a mouth, I yelled, “hey Jacques, take a picture of this.” And when I yelled that, the next thing I saw was a big fisted glove in the air, turned out be owned by a man named Bobby Schysler, hit me on the jaw. I saw Levy's camera sort of being drop-kicked through the air, looked like it was in slow motion. I saw Levy go down, and then I went down and out. And the the damnedest thing is, you know, we were, I think, kind of bloodied up, I don't think we looked all that great. We went down this dirt road to the edge of the field, and there was a Monterey county sheriff's deputy there, and he saw what condition we were in, but there was an injunction at that field and he leaned over and said, “hey Cohen you've got too many pickets at this entrance.” And that's what shows you what the law enforcement around here was like, at that point in 1970. I ended up in the hospital with a concussion for a week, and that's what happened.

13:46:23 That happened to you, but things like that happened to many people

13:46:28 See that was relatively minor. I mean, it got some play, because I was the union's lawyer, and the Teamsters ran around saying, “hey we killed your lawyer,” and that made people kind of mad. But some people were pounded. And there was, there was a lot of rough stuff. And they, they wanted to intimidate the workers. But I think they underestimated the fiber of a lot of these guys in in the lettuce, in the vegetables in general, because they didn't intimidate anybody.

13:47:00 Let's go back to '79, make us understand what happened to the union after '79, it wasn't just some weird stuff in the air and Cesar didn't flip out, but something happened, what do you think it was?

13:47:21 Well you know, the union had a wonderful period of organizing and I think we shouldn't down play all its accomplishments. But the union then went through a down time, where it lost its way for a while. And my attitude about that is maybe a little different than some. I don't think we should point fingers at any one person. I think all of us shared in the good things that the union did, and I think we were all to blame for some of the problems. And I think the problems are complicated. And I think one issue was the question of voluntarism. There was the question of whether you could have, when you had a contract, a volunteer who would, there would be a big turnover, administer those contracts, or whether you needed to have some minimal pay. The legal department was getting paid a minimal amount. So there was the issue of volunteerism, and some of the workers wanted to have salaries, that was one issue....

13:48:14 ...The other issue was the issue of community. Cesar wanted the union to be up at La Paz, and so there was a discussion. And to me it was like an internal political discussion. And you know, when you engage in an internal political fight, and you're fighting with somebody that's as wily and smart and determined as Cesar, if you don't win the fight, well you're gonna lose the fight. And Cesar is a strong guy....

13:48:37 ...And I think that that some of us had disagreements with him about those issues and I think that tended to cause Cesar to become overly suspicious of a few very good people. And the people that jump to my mind that were two of the most talented organizers, were Eliseo Medina, who left in 1978, and Marshall

Ganz. And I think those folks were really talented. And I don't think the tension that developed between Cesar and Marshall could have been avoided, but I think it was all of us that helped participate in not getting those communications going. ...

13:49:15 ...So the irony to me is that, here we were, we could negotiate with teamsters and get 'em out of the fields, we could negotiate with growers, we could negotiate with a sly politician like Jerry Brown and get a farm labor law, but sadly we couldn't negotiate among ourselves and settle these internal problems. Then Cesar became, I think, overly suspicious of a few people. I mean, I know, I left in the early 80s and I thought, once, and I left on fairly good terms, but after I had left, Marshall got attacked and I came to his defense and then we we were in the soup. Because some local Salinas workers wanted to run for the executive board, which I think they had the right to do, and Cesar thought Marshall put them up to it. Which he didn't, they had minds of their own. And he blamed Marshall for that. And it seems to me that uh, you know, it's unfortunate it happened, it caused the union to lose a few years and what I'm hoping is that they'll get back to the basics and organize.

13:50:14 During that period even though the union had been red-baited externally that was used internally, some people were subversive and they had to leave.

13:50:23 There were charges. I never took any of that very seriously. I always thought that everybody knew better. I mean, Cesar was worried about people trying to subvert the union. And I thought the union was strong enough nobody could subvert the union. And I think the real issue was the question of the distribution of political power. Like I said, there was a little ambivalence and

dichotomy here, because in my relationship with Cesar over the years, he was very, he was very good. He would delegate a lot of authority and power and not worry.

13:50:53 Is it possible that you had a special relationship with him?

13:50:56 See, I wasn't an organizer. I was an English speaking lawyer whose job it was, was to be a voice for farm workers in the courts, with the growers, with the politicians. So you're right, I was not the kind of political threat to Cesar, that an organizer might be. But realistically, Cesar had so much talent as an organizer, none of those organizers could have ever really challenged him. So I never really understood his over-reaction.

13:51:25 Nor did they want to

13:51:26 No, no, my take on this, and you're gonna get a disagreement from the people in the union, but I believe [PIC ROLL OFF] that Marshall and Eliseo wanted to do what the rest of us wanted to do, namely build the Farm Workers Union.

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14:00:06 When this stuff played to the outside world, people who weren't in La Paz, one of the things that summed up how far the union had strayed from its course was the issue of getting involved with Synanon and therapy sessions and those things and .. how would we explain this to people in the fields

14:00:30 Right, there were two different worlds. I think the lettuce cutters that I knew here, were baffled, first by the existence of La Paz and second when they heard of something called the Synanon game. And as I said there may have been reasons that Cesar wanted to do it, to try to build a community of true believers, whatever, but it seems to me the focus of any union, if a union's gonna survive is organizing. And you have to organize in the fields, and you have to respond to the need of the people in the fields. And that's what the union was so great at, for all those years. And that I think is the life blood of any union because unions that don't organize die. So when the union strayed from its path and began to look inward and stopped organizing I think that then created the conditions for, for what you saw in the 80s which is a relative lack of action.

14:01:17 And in the 80's boycotting went on but the boycotting wasn't rooted in a strike, it didn't have farm worker families traveling ...

14:01:28 See, a boycott, to really work has to be rooted in the reality of the struggle. And the reason the boycott won in 1970 is because farm workers went all over the country and told people the story of their own lives. And it seems to me that in the 80's Cesar was spending his own image like coin out on a boycott, and a boycott may have been a necessary response to what was happening, but it was not a sufficient response. To really work a boycott has to be integrated in a struggle that starts in the fields.

14:02:02 Let's go back to the fields, tell me about what Giumarra represents, what was his operation like?

14:02:17 Giumarra had the biggest table grape operation in the industry, it was 12 thousand acres. Giumarra had workers living in a camp right there at the

Edison headquarters, getting into that camp was a major operation. I mean we tested it, Marcos Munoz went in there and I went in there one night to try to get arrested, but they were too smart to arrest us. But it was really tough for workers who sort of lived behind the lines. Giumarra's wages were not that good, none of the wages in the grapes were that good. But the fight really, was even more basic than that. Workers wanted to be represented, and they wanted a voice in their own working conditions, and Giumarra led the fight to refuse to recognize or even deal with the workers at that level. So it was a basic fight about dignity. You have secondary issues of needing cool potable drinking water and adequate toilets for men and women, and that always flowed and could be dealt with in a contract. But first you had to win recognition, and John Giumarra Sr., by the way is a guy I admire, because he's a feisty, fighting man who built his own empire, he was gonna be damned if anybody was gonna tell him how to run it. And that was the issue with Giumarra. So we struck [Giumarra] [SOUND DROP OUR ON VIEWING COPY] and the strike like most strike's was effective for a while. But then a lot of poor people came from across the border. And then we started boycotting Giumarra. ...

14:03:36 ...And you know, we sort of stumbled into the grape boycott. If people want to go back and figure out the history of this, we started boycotting the Giumarra label which is the Arra label, and the Delano growers came to their brother's aid by trading labels with Giumarra. And our only response was well, if all your labels are going to be down there, what the hell we'll boycott all table grapes. And so that's how that sort of came about. It wasn't anything that we sat down and ingeniously figured out. I sort of was a response to the growers action of loaning Giumarra their labels.

14:04:08 Talk about what you saw and did in the legal field and how that connected with striking and organizing and boycotting.

14:04:18 Well we sort of practiced legal karate. I mean, we were trying to put, you know, some set of rights in an area where there wasn't a set of rights. It was the law of the jungle. There was no law protecting farm workers. When the National Labor Relations Act was passed, the Wagner Act of 1935, agricultural laborers and domestics were excluded. So we had to sort of create causes of action. But the simple answer to your question is, we decided that we had the law as a weapon, that we needed to use, boycotting, striking, and we needed to use the pressure of the law. We needed to use the law to raise the issue of pesticides, and then we weren't afraid to trade a law suit for a clause in a contract that protected workers in terms of pesticides. ...

14:05:01 ... So the law when it was working well was just one more weapon that we used. To say nothing of the fact that we needed to use the First Amendment to protect our rights to speak. You know, when we struck they would take our bull horns away. So I'd have to go to the appellate courts and get our bull horns back. So there was that element of it. Protecting the voice of the farm workers is basically what I think we were trying to do with the use of the law.

14:05:24 As the law [ALRA] went into effect there was a sense that as the growers became more sophisticated using the law that in fact the struggle for enforcing it had moved exclusively into the legal side.

14:05:39 See, I think that that's one of the things that sort of threw the union off track for a little bit, although I don't think it's insurmountable. We had very sophisticated law suits that we filed against the Teamsters, antitrust suits and civil

rights suits, which helped create pressure that we used to negotiate the Teamsters out of the field. But we also had the strictures of the Agricultural Labor Relations Act. You know, you had to file objections to elections within five days. A lot of paperwork had to be processed. But I don't think any of that was insurmountable, it's just, was just one more task that had to be performed. But if you're organizing and you're fighting I think you accept that burden.

14:06:18 No but the sense was, if the growers can afford more lawyers, you can file more pieces of paper they can stop us in the courts and the law won't be enforced.

14:06:26 See I never bought that argument, because when the legal department was still in place, that in fact didn't happen. We won the certifications, we won the, we won the hearings where we should have won, and those that we lost we probably should have lost. And I think the law was working fairly well, and I think we had the set up, you didn't need to be a lawyer to practice in front of the Agricultural Labor Relations Board, a paralegal could do that. And we were training a lot of people, you know, at one point we had, no maybe over 20 lawyers and 44 paralegal in the legal department. But I don't think the task was insurmountable because during the period of most intense activity when there were 400 elections we were able to handle it. So the argument that the law somehow drained energy from the union I don't find, it's specious, because, you see, a fight attracts real talent. We had very good organizers and very good lawyers and there were a ton of labor lawyers around the state who frankly were bored with their own clients because they weren't very aggressive, who were, who were giving us help. And handling cases for us, so we were able to handle that work load.

14:07:30 It sounds like losing an effective legal department was what really created the problem.

14:07:39 I think that the problem is more complicated than that, it's always bad to blow your own horn but, you know I think we had a good legal department, and I think when you lose good lawyers you take you take a blow. I told Cesar, if he wanted a volunteer legal department we'd have to have a long transition so that the turtle could grow a new shell. And I don't think Cesar let enough time go by so that the turtle could grow a new shell. Now I think that the people that are working there are doing the best they can, but I think it's also a function of the fact that once Artie commits to organizing, or once any union starts organizing, the necessary talent is gonna be attracted to the fight.

14:08:17 That'll be the ...

14:08:18 Yeah, but I also, also believe that it's easier to replace lawyers than it is good organizers. And I think the fact the union lost some very good organizers in the late 70's and early 80's, was a much bigger blow to the union, than the loss of any kind of professional staff.

14:08:36 So here we are in 1995, 30 years later and what has changed since the struggle started?

14:08:44 Well you know, in Salinas there are labor contractors everywhere. A few years ago there were some poor young kids from Salvador living in caves on the side of a hill picking berries. They had parasites in their intestines, they were drinking a lot out of pesticide cans. There're workers living in canyons outside of San Diego now. So I'm afraid that from one point of view not a lot has changed.

From another point of view there is the best farm labor law in the books in California....

14:09:12 ...The union still has a pulse, no matter what people say, it's one of the few institutions that have survived from the 60s. It has the capability of organizing. People know how to win that fight because they won it already. So I think what's changed is a lot of people went to school, basically with the UFW for those years, and they learned a lot of lessons that are good to learn. And I think there's the talent there to do it, and the laws there to do it, and I hope the will is there to do it.

14:09:39 Does that mean that you start over again, or is there something to build on?

14:09:43 I think there is something to build on in terms of the fact that there is an institutional memory. There is still in the union, there are people like Dolores, who has a lot of guts. Artie grew up in the years of those struggles, he's the president of the union. They know how to organize and they know how to fight. So the nucleus of a winning team is there, they just have to go out and build that team.

14:10:09 Would you go back and tell me the story about going to Delano after Cesar died... how did you hear the news?

14:10:19 Yeah, I got a call from a guy in Washington who was working with the Washington farm workers just on my machine, and he said "I think Cesar died." And then I got a call from the press, which was kind of cold because, I mean this is a good friend of mine, and a guy that lived, worked with for 14 years. And my first thought was, you know, it's hard to even talk

about it now. My first thought was to go back to that hotel, where we signed those grape contracts. (cries) I can't talk about it right now.

14:11:21 Cesar died and all of us who knew him, it was a time to take a stock and you put a large part of your life into the process, what did you end up with?

14:11:38 You know, when Cesar died, it focused me on all the good fights that we fought, and all the things that were were done. As I tried to say earlier, the first thought I had when he died was I wanted to go back to that Stardust Motel where we met with John Giumarra Sr. and Jr., that night when we settled with the Delano growers, because that was the culmination of a lot of good effort. And I think, ever since his death, I think a lot of people have been focusing on the incredible fights that were fought in the 60's and 70's and what was won. And also feeling bad that the fights haven't continued as they should have through the 80's, and hoping that the fights continue. But I don't know what else to say about that.

14:12:23 I'm talking about a personal sense, there was a process that somehow changed people's lives.

14:12:32 Yeah, well he taught me a lot. I mean, I was able to use those tools in other fights. When I represented Fred Ross Jr. in Neighbor to Neighbor, when the priests were murdered in Salvador. There was a lot of moral outrage, but when we suggested that people boycott, people told us that we were old farts and old war horses from the 60's and it could never happen. And that was a generational problem. And I shamed the young organizers into listening by, there's a quote from a poem by William Butler Yates about sober youth restraining reckless

middle age, but we knew you could boycott because we'd done it. And Jimmy Hermann was president in the Longshoreman union, he boycotted grapes and we got him to shut down the West Coast in terms of Salvadoran coffee. ...

14:13:14 ...So there were a lot of lessons that had been learned, and I think that people that feel the most positive about their union experience are people that'd applied it elsewhere. And, you know, just being lucky enough to be a lawyer, I mean I can open up case books, and see, cases that we won, bull horns, you know, the right to go into farm labor camps, the right to get notice when they tried to enjoin your picketing, there's a law in the books. So there're some very tangible accomplishments that everybody in the union can be proud of. And I was lucky enough to be the voice that helped articulate those needs and get those things done.

14:13:51 And there also some subtle things that are hard to put your finger on, about how it shapes your values...

14:13:58 You, you know, the fight to me was always a fight about justice and equality. And once you go through a struggle when people's dignity is really the issue, you see things differently. And of course, it makes you sensitive to other people's struggles. But I always think that the fight between the farm workers and the growers is very basic, because somehow the presence of that land, and the growers attitude toward their own land, make it a very special kind of fight. And I don't think there's any fight that's like it.

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14:14:41 Tell me about what Cesar meant to you, how that friendship was.

14:14:53 Cesar was, first I represented him for 14 years. He was a good friend and he was a good teacher. Um, he taught by example. He didn't do a lot of lecturing. But with me, you know, he delegated a lot of authority, and he let me make mistakes, and he was always very encouraging. And I think that the mark of any great teacher is how much freedom he gives people, and there were a lot of people in the union that he gave a lot of freedom to in those early years. And I think a lot of us learned a lot from him that you can never, you can never pay the guy back for that.

14:15:27 It's a funny way to think of teaching because he wasn't a lawyer.

14:15:32 Right but he could give you a sense of confidence. I mean, I would go to the Kern County superior court and get the hell kicked out of me, and Cesar's position was well that's terrific. You know, we'll just, we'll try something else. Or his fast, his fast, in 1968 was like the glue that molded the union together. And the demonstration that everybody worked on, there were 9 different ranch committees that never really worked on a project, was a demonstration at the courthouse.

14:15:57 What was that day like?

14:15:58 In Kern County courthouse to me was enemy territory before that day, and I got up early that morning because here's a guy in the 13th day of his fast, and they might throw him in jail, and I frankly was pretty scared. And I went out to the 40 Acres and I could see out of the fog, the lights of farm worker cars, just hundreds of cars. And there were about 3 thousand farm workers down in that court house. And that court house became our turf, from that day on, and Giumarra's lawyer Quinland wanted the farm workers removed from the

courthouse, and I'll never forget it because the presiding judge was a guy named Osborne and he said, "well if I kick these farm workers out of this courthouse it'll be another example of goddamned gringo justice." And that was the power of people in motion. And that was Cesar spending himself, because that fast was a real commitment to non-violence but it was also as I said the glue that provided the opportunity for all the different ranch committees to work together in a common fight, namely let's get a little justice out of the Kern County superior court for once.

14:16:55 Do you think that was a turning point for the union

14:16:57 I think the '68 fast was crucial, I think if you go back and look at history the 1968 fast, as I say, molded the union together. It taught the people in Kern county that we had a lot of power. And that, and the contracts of 1970, I think are the two most important things that happened in the history of the union.

14:17:17 Do you have any final thoughts?

14:17:19 Just what I tried to say earlier, which is when Cesar died here's a friend that's dead and the press is calling and it was really cold and hard, and I wanted to go back to that motel where we started that negotiations.