

GRAPE BOYCOTT: IT AFFECTS ALL OF US

A situation unparalleled in fruit growing history is the union activity that has been going on in California's grape producing industry and the subsequent national boycott of grapes in retail markets. AMERICAN FRUIT GROWER has studied the situation and makes clear here the real issue involved. What legal action agriculture must take in handling labor disputes must be resolved as quickly as possible.

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DELANO is an inconspicuous town on the flat floor of California's San Joaquin Valley. Surrounded by vineyards and cotton fields, it lies about 30 miles north of Bakersfield, the nearest city. Its current population is about 12,000. To the casual visitor (who may have to be told that the name is pronounced "DeLAYno" not "DELano"), it looks much like a dozen or so other communities in the valley. Except for differences due to climate and geography, it resembles hundreds of country towns all over the nation—towns where activity is geared to farm operations and nothing much else ever happens.

Delano is different because within the past four years it has become a national symbol of union efforts to organize farm workers. There have been other strikes, in other places, before and since September, 1965, when picket lines first appeared in the vineyards around Delano. But the focal point has settled on Delano, headquarters for the United Farm Workers Organizing Committee (AFL-CIO), led by Cesar Chavez.

The story of his campaign has been frequently told. For review, we need go back only to the fall of 1967. UFWOC then had contracts with several firms that were mostly or entirely wine producers, but they represented only a small portion of total vineyard employment.

The union had chosen as a key target, Giumarra Vineyards, the state's largest grower and shipper of fresh table grapes. The boycott—or the threat of a boycott—had been the union's most effective weapon against the vintners, so Chavez called for a national consumer boycott against Giumarra

grapes. He got a lot of publicity, and caused some problems, but the Giumarras still got their grapes picked and sold.

There was an obvious problem in boycotting an individual grower. Grapes, unlike wine bottles, do not carry a label on the display counter. So, as the 1968 harvest approached, UFWOC took a more drastic step: a boycott against *all* California table grapes. (None of the union contract firms shipped any grapes in 1968.)

As usual, Chavez got good press coverage of his announcement, and the union conducted its campaign with energy and a flood of publicity. Other unions and a variety of organizations concerned with social causes rallied to the boycott. Union workers were dispatched to major markets to organize chain-store picket lines, manned primarily by students, clergy and other sympathizers. Other harassing tactics were used, like "shop-ins," where sympathizers loaded shopping carts with perishables and then left them in the aisles.

Mayors of a number of cities, under heavy union pressure, halted purchases of grapes by city institutions. Vice President Hubert Humphrey and the late Sen. Robert Kennedy supported the boycott, along with many other public figures. Church publications and college newspapers gave feature treatment to the boycott. A volunteer even carried the campaign to Sweden, a major export market. Anyone who didn't hear of the grape boycott could only have been hiding in a hole.

The frequently-stated purpose of the strike and boycott was to force growers to sign union contracts, but as of

January, the union still had no contract with any table grape grower.

The grapes were picked by essentially the same crews who have been picking them for years. Considering the trying circumstances, marketing has been done in a fairly orderly manner, and storage stocks are in a normal range. Some chains stopped buying grapes for varying periods, and final unload figures undoubtedly will show that some markets took less and some more than usual.

It is not possible to make direct comparison with movement and price figures of previous years because of variations in crop size and seasonal conditions. Generally, shippers say, the boycott was clearly felt in a relatively few markets and, for the most part, for limited periods of time. There's no doubt that the boycott caused some marketing problems, but most of them were solved in one fashion or another, at some cost in effort and money.

Management Pressured

Growers know they have been in a fight, and they expect it to continue. Currently, UFWOC has abandoned its store picket lines and is concentrating its efforts on top chain management, using sit-ins, mass delegations, and other pressure tactics. And the union seems to be digging in for a long stay; new staff members are regularly looking for homes to rent or buy in Delano.

Chavez himself is seldom seen in town; apparently, most of his time is devoted to speeches and meetings. There is considerable speculation that the UFWOC campaign is under the direct and active supervision of William Kircher, national director of organization for AFL-CIO, who is a frequent visitor.

The union has claimed as many as 17,000 members, but an official statement of dues income, required under federal law, provides a basis for an estimate of 1500 to 2000 current members. This is in line with private estimates of the number of workers employed by wine companies with union contracts. (The total would be somewhat larger if it included all who have paid dues at one time or another.) Peak grape harvest employment in the state is 50,000 to 60,000 workers, and the state's total farm labor force is about 360,000.

None of the wine companies shipped any table grapes in 1968, although several did so formerly. Growers believe this is because the union has been unable to supply pickers skilled in picking for the fresh market. DiGiorgio, first to sign a contract, has sold all its vineyards. At one point, the union had a contract with a shipping firm that was formed specifically to handle grapes from the Schenley (Roma wine) vineyards. The firm has gone out of business, reportedly after suffering a heavy financial loss.

The U. S. Department of Labor has exerted heavy pressure on growers. Former Secretary of Labor W. Willard Wirtz was frankly sympathetic to the union cause, and the department has certified "labor disputes" against a number of growers, some on grounds so flimsy as to appear capricious. There is also a widespread belief that Wirtz pressured the Justice Department into harassing tactics by the Border Patrol, which became extremely active in checking camps, crews, and highway travelers.

Propaganda Myths Exploded

Grape growers are bluntly irritated—sometimes to the point of blasphemy—by the number of clergymen of all faiths who have taken up the UFWOC cause. They have formed a sizable part of the picket lines and provided a major channel for seeking support for the boycott. Acknowledging the sincerity of the clergy's interest, the grape growers argue vigorously that few of them have even attempted to inform themselves about the real circumstances of the labor situation.

In fighting off the union's efforts, the industry has had

to attack several propaganda myths widely used by Chavez.

Migrants are no longer a substantial element in the labor supply. Payroll records of Delano growers show that about 90% of their workers live within 25 miles of their work. In fact, there is reason to think that the high percentage of local labor was an attraction to UFWOC; migrants are too mobile to be effective union members.

UFWOC claims that growers have recruited "green card" Mexicans as "strikebreakers." Actually, a high percentage of "green card" workers are in the local labor force and have been for years, and what remains of the migrant force includes a considerable number of "green cards" who come regularly from Arizona and Texas. The "green card" is a permanent immigration visa that permits the holder to work in the U. S. In principle, permanent immigrants are expected to become naturalized citizens after the five-year waiting period, but they are not required to do so. And many do not. They pay taxes, can be drafted, and enjoy all citizenship rights except voting and holding public office.

Wage rates are high, compared to other areas. California has an effective minimum wage (for women and children) of \$1.65 an hour. Growers say that grape pickers, on piece rates, average better than \$2.00 per hour and many earn more. Chavez claims credit for wage increases in recent years, but most other areas of the country have had comparable increases.

In addition, growers point out that their workers are covered by Workmen's Compensation, disability insurance, and a variety of regulations relating to labor camps, contractors, transportation, child labor, and wage collection. Many would welcome unemployment compensation if a way can be found to finance it without imposing a crushing burden on employers.

Grape production in the Delano district is not dominated by the large, heartless, corporate farms which are so often pictured. Of about 70 grape operations in the area, all but two are family-owned and operated. Holdings range in size from 40 to 2500 acres, and the larger operations normally involve several members of a family.

Leaders Help Fight Irresponsible Activity

Growers have used a number of methods for countering the union on these and other points. And the grape men have not been alone. The dangers of irresponsible labor activity became apparent to agricultural leaders of the state some years ago, and many organizations were prepared to help. In Delano, the center of the local effort has been the South Central Farmers Committee, formed in 1960 to serve as an information center for a variety of matters, including public relations.

On the state level, a number of groups co-operated but the principal channel has been a special-purpose organization, the Perishable Agricultural Commodities Corp., representing a wide range of farm interests. The PACC board collected a sizable amount of money and met weekly through the summer to direct a program that included newspaper advertising, radio and television appearances by growers, publicity releases, and legal action.

Among the grave concerns of the growers has been the peculiar character of UFWOC, which frequently displays an interest in social change that goes far beyond the usual economic concerns of labor unions. Chavez himself speaks frequently in terms of social revolution.

While Chavez has made a variety of demands, he has said again and again that the immediate goal is to obtain recognition of UFWOC as bargaining agent for workers. The conventional union technique is to call the workers out on strike until a contract is negotiated. UFWOC's strike call revealed that Chavez cannot command the active support of more than a small minority of workers.

His only effective weapon has been the consumer boycott—a weapon that is used rarely and with caution in industries covered by the National Labor Relations Act. Wineries were particularly vulnerable because their brand names are clearly visible; moreover, their winery employees were largely union members.

Most of the contracts have been negotiated without an election or any other effort to determine whether, in fact, a majority of workers either belonged to the union or wanted to join the union. The few elections actually held were under terms which, the growers say, gave the union the privilege of stuffing the ballot box.

Ironically, one of these elections was won by the Teamsters, who have sometimes demonstrated a selective interest in farm workers but have never mounted an active campaign. (The Teamsters had already won an election at DiGiorgio, which was later voided under an arbitration agreement.) Eventually, the Teamsters conceded their bargaining unit to UFWOC. The reason, said Einar Mohn, head of the Teamster's Western Conference, was "heavy pressure from the churches." The employer did not challenge this action.

Some of the disputes have gone into court or to regulatory bodies. A current favorite among union tactics is to charge that workers are being poisoned by indiscriminate use of pesticides, and UFWOC is trying to force the state to release confidential records of pesticide application. (Under California law, certain of the more toxic materials can be applied only by permit.)

Growers have some bitter comments about California Rural Legal Assistance, an agency financed largely by tax funds from the Office of Economic Opportunity. CRLA has filed a number of complaints for individual workers, for causes which, growers believe, are mostly trivial or fictitious. The union's own attorney is the former head of CRLA.

One of UFWOC's most recent actions is a suit against several growers, alleging that they are financing the efforts of Jose Mendoza and Gilbert Rubio, a couple of one-time Chavez supporters who are leaders of an anti-UFWOC movement, the Agricultural Workers Freedom to Work Association. UFWOC also makes extensive use of court suits for publicity purposes, announcing actions which either are never filed or are not pressed.

For their own part, the growers scored one notable legal victory. Early in the boycott, several union locals involved in distribution of grapes attempted to take direct action in support of UFWOC. The NLRB, on action of grower's attorneys, ruled that this was illegal participation in a secondary boycott.

Bargaining, Si Blackmail, No!

Some informative comment on the grower position came from a meeting with Martin Zaninovich, president of the South Central Farmers Committee, and two of his board members, Louis Caratan and Jack Bree. These growers several times confirmed their support of the principle of collective bargaining.

"We have repeatedly stated," Zaninovich said, "that we are prepared to bargain with any responsible union that represents our workers. In fact, we would have no choice but to bargain. But the Chavez union does not represent our workers. They have shown that, by picking our grapes in spite of picket lines, harassment, and intimidation."

Even though the current boycott has had only limited effects, the Delano men label it an unfair and potentially destructive weapon. On this point, Zaninovich said, "So far as we are concerned, the boycott is a blackmail tactic designed to force us to accept a bargaining agent which is not supported by our workers, and to require them to join a union which they evidently do not want."

What's the next step? "Our position now—the position of the whole industry—is that we need legislation to prevent this kind of coercion and to restore reasonable order to our labor market. We believe that federal legislation will be better than state legislation. But we do not want to be included under NLRB; their machinery doesn't fit the situation. In particular, we must have some protection against strikes at harvesttime."

This support for legislation does not arise from immediate concern over loss of markets. Admitting the difficulties of the past year, Zaninovich said, "We've been through tough years before, and we think we can do better next year. You'd be surprised how many people don't like union coercion and we've sold a lot of grapes to those people. But we've spent a lot of time and effort fighting the boycott, and we'd rather be growing and selling grapes."

Agitation Speeds Mechanization

A formal, legal procedure for dealing with union recognition claims and other disputes would not resolve the crucial problem of the farm labor market—the high peak seasonal demand which results in low *annual* incomes for many workers. The effective solution for this is mechanization of harvest, so that a smaller total labor force can be employed the year around. For fresh table grapes, this solution seems a long way off; but, the Delano growers say, machines now in the field will soon make it possible to harvest wine and raisin grapes mechanically. These crops use substantially more labor than table grapes, and so the grape industry's peak labor needs can be sharply reduced.

One of the ironies of the situation, Zaninovich remarks, is that union pressure is accelerating the push toward mechanization, and the result will be that many farm workers, now employed only part of the year, will have no work at all unless they can move into industrial employment.

There was almost no field picketing around Delano at harvesttime last fall; evidently the union was concentrating its personnel on the boycott effort. "In fact," Caratan remarked, "anytime you saw a picket around, you could be pretty sure that the union had a V.I.P. visitor in town."

Growers feel considerable urgency about getting legislation introduced in Congress. Sen. Williams of Delaware has once again introduced his bill to include farm workers under the NLRA, and he has significant support, including California's own junior senator, Alan Cranston. Gov. Ronald Reagan at one point was pressing for state legislation but has agreed to hold off if federal legislation can be passed. Bree added a pertinent comment to the discussion: "I doubt whether Cesar Chavez wants any kind of legislation, but I expect that Bill Kircher does."

It seems to be an accident of history that made Delano the center of UFWOC activity; Chavez says that he came there because his wife's family lived there. He undoubtedly is a sincere and energetic man. His staff includes some types who would be out of place in a well-established conservative union headquarters, but they are dedicated and hard-working. Their homes and cars are adequate but modest.

The union offices occupy several adjacent houses in an area of farm workers' homes. Many of the workers' homes are larger and better cared for. The union's quarters and co-op service station could be much improved with a modest expenditure for paint and clean-up, but that, perhaps, would spoil the image.

The union has found money, somewhere, to buy 40 acres of farm land a couple of miles outside of town, where it has built a large auditorium, a small office building for the union newspaper, and an attractive service station. House trailers are parked on the grounds for the union clinic. Although the service station was completed about a year ago, it is not operating. It was the scene of Chavez's widely-publicized fast last year, and the covered lubrication area

is normally filled with gifts of food and clothing from sympathizers.

In mid-January, Delano was a quiet sort of place. Heavy rains had interrupted pruning, but there was still plenty of time to get the work done. The growers discussed their situation in a relaxed sort of way, without visible evidence of irritations and pressures, and they even found amusement in commenting on some of the incidents of the past year or so.

But they are not complacent. More than most farmers, they are aware of powerful forces behind UFWOC.

The AFL-CIO has been trying to organize California farm workers for more than a decade. Organized labor has invested many millions in UFWOC and its predecessor, AWOC (Agricultural Workers Organizing Committee), and has very little to show for the effort and money. The AFL-CIO leaders are patient men, but they must be feeling the pressure for some kind of victory.

There are good reasons why California grape growers

are the primary target. AWOC's first director frankly said, "California is the biggest; if we can get the biggest, the rest will fall in line." Grape growers are the state's largest employers of farm labor, now that tomatoes are becoming mechanized.

The choice of Delano was an accident. Delano's growers are no different in their attitudes than any others. Workers there are better off than in many other places. But as a grape-growing center, Delano is no more important than several other towns. It's a dot on the map that came into the spotlight of national interest because UFWOC set up headquarters there.

To be in the spotlight under such conditions is not a position that any farmer would seek. The Delano growers may have felt, at times, like the man being ridden out of town on a rail who said, in Lincoln's famous story, "If it weren't for the honor, I'd rather walk." In this position of dubious honor, the Delano growers have shown skill and energy in defending agriculture's interest.

IS LEGISLATION THE ANSWER TO LABOR DISPUTES?

MANY attempts have been made, at many times and in many places, to organize farm workers into labor unions for collective bargaining. In the long run, what has been happening in Delano, Calif., since September, 1965, probably will be important only because of its relation to a major issue that faces agriculture today.

The issue in Delano and in other California grape vineyards was a simple question of fact: Did UFWOC represent the vineyard workers? The growers' answer was "No." With great determination they stood fast against the pressures of a substantial element of public opinion and the coercive tactics of organized labor, government officials, clergy, and various groups concerned with social causes.

For agriculture, the question raised at Delano is: Do we need some formal, legal procedure for settling labor disputes in agriculture?

Many of the people who supported the boycott had been misled about the real issue. They thought that growers were, on principle, refusing to recognize a union supported by the workers. But the workers picked the grapes. They "voted with their feet" as labor leaders are fond of saying, when they chose to work instead of strike. Growers are confident that in a fair election, conducted by an impartial body, the workers would have rejected UFWOC as their bargaining agent.

A fair election would have focused attention on the real issue and dissipated much of the union's public support. But there was no machinery for such an election. The few employers who accepted an election found that it was conducted under a set of rules written to favor UFWOC.

Agriculture's traditional position on farm labor legislation can be stated briefly. As a general principle, farmers have argued that it is not only impractical but unnecessary to have any kind of legislation covering agricultural labor relations. More specifically, they have said that the machinery of the National Labor Relations Act, as administered by NLRB, is totally unsuited to agriculture.

Agriculture is holding firmly to the second statement, but there are signs that the general principle is about to be discarded.

For the past year or so, an increasing number of farmers and farm group leaders have been discussing ways in which legislation might help to resolve some important and long-standing problems in agricultural labor relations. It now seems certain that a bill will be introduced in this Congress that will be specifically written to cover collective bargaining between farm workers and employers.

The details will not be known until the bill is introduced by some member of the Congress. There had been no formal announcement at press time, but it may come before this magazine reaches its readers.

Supporters of any proposal of this kind must expect to be able to negotiate for various options in the details. From the standpoint of agriculture, two general provisions must be included to maintain a balance of bargaining power. One is some kind of machinery for preventing strikes at harvesttime; the other is a carefully written set of rules about the eligibility of workers to vote on the question of union recognition.

Many farmers will object to this legislative proposal because they simply do not want to deal with unions under any circumstances, and they do not want to give any government agency the authority to require them to deal with a union. No one wants to help build another bureaucratic structure in which labor lawyers are much more at home than farmers are likely to be. Moreover, to support such legislation implies that the unions will win some elections, and growers will then be obliged to negotiate on some difficult and costly demands.

These and other objections are thoroughly understood in Delano. Like many others, growers there have decided that, for the most part, they would rather have some legal ground rules than the unrestricted warfare they have been fighting. A sense of practical politics suggests another reason—when rules are being written, it is better to be on the committee that writes them than have to try to change them later.

Agriculture is already dealing with unions in many areas of activity; it is a part of an intricate industrial economy in which unions have substantial power. Agriculture must inevitably come to more direct terms in dealing with organized labor and collective bargaining.

The problem now is to determine the ground rules for that relationship. Like many others, the editors of AMERICAN FRUIT GROWER believe that the best place for those ground rules is in federal legislation, with its provisions common to all growers and all workers across the country.

The rules will be far from perfect in providing equal bargaining power in all cases. They will be costly, in terms of wages, attorney's fees, and the time and effort involved in complying with them. But the alternative is a struggle in which no holds are barred, no weapons outlawed. We believe legislation will be less expensive, and in the long run will better serve the public interest.