

"CESAR CHAVEZ CALLS FOR A BOYCOTT OF ALL GALLO WINES  
UNTIL ELECTIONS ARE HELD"

(A response to Ernest Gallo by Cesar E. Chavez, President  
of United Farm Workers of America, AFL-CIO)

One issue in our struggle with Gallo is more important than all others: What do Gallo's workers want? Our contract with Gallo expired on April 18, 1973. We had represented Gallo farm workers for six years. During negotiations in April-May-June 1973 Gallo assured us that there was no doubt that UFW represented Gallo's farm workers. Now, because of their need to fight the boycott, they have created their own version of history: Gallo claims that on April 18, 1973 the workers were unhappy with UFW and on June 25, 1973, the Teamsters presented signatures from Gallo workers and demanded recognition for collective bargaining purposes. What did Gallo's regular workers really want on April 18, 1973 and on June 25, 1973? Did they want the Teamsters to represent them or did they want the UFW? Gallo says they wanted the Teamsters. That claim is unbelievable on its face because Gallo workers were our members for six years. The UFW negotiating committee in 1973 was elected by Gallo's workers. These workers were partisans in our movement. But if Gallo doubts what we know then we ask again for a secret ballot election to settle this question once and for all. We asked for such an election in 1973 but Gallo and the Teamsters refused. Will Gallo agree now to such an election?

Ernest Gallo says that elections are impossible until legislation is passed. He is not well informed. Elections have been held in agriculture and can be held today, e.g., in 1966 the American Arbitration Association (Am.AA) held a secret ballot election at DiGiorgio's ranches in California. The "UFW" - the "Teamsters" and "NO Union" were on the ballot. All parties agreed to the supervision and to the rules and procedures for the elections. Ronald Haughton of the Am.AA testified before the U.S. Congress that: *"On July 14, 1966, in the absence of applicable law, I recommended, among other matters the scheduling of an election under the auspices of the Am.AA. A copy of my July 14 recommendation is attached....The 22 points of this document, upon formal acceptance by the two unions involved, and by the DiGiorgio Corporation, became enforceable in court as a contract, and became the basic charter for all subsequent procedures up to and including negotiation and arbitration of a complete contract. The important point here is that in the absence of law these three parties decided to establish a private law which basically followed the provisions of the NLRA."* (Testimony before the Senate Subcommittee on Migratory Labor, July 11, 1967) The United Farm Workers won that August 30, 1966 DiGiorgio election overwhelmingly. The Teamsters have not agreed to an election with us since that date.

I repeat: We want an election at Gallo now! It is possible! It is a way of resolving this long dispute! If Gallo and the Teamsters refuse — as they have, to date — then we ask fairminded people to boycott all Gallo Wines until elections are held (also non-UFW grapes and head lettuce).

Ernest Gallo says that his company "made every attempt to renew its contract with the UFW." Our union was trying to re-negotiate the table grape contracts in the Coachella Valley in the early months of 1973. The UFW negotiating committee—Gallo workers and Dave Burciaga, UFW's chief negotiator—met with Gallo management on March 22, 1973 (a date that Ernest Gallo has apparently forgotten). Dave Burciaga asked the company on that date to extend the contract a day-at-a-time if negotiations continued past April 18, 1973. Bob Deatruck, representing Gallo, refused! On April 18, Burciaga called Deatruck and again requested an extension of the contract while negotiations continued. This time Deatruck refused by phone and in writing. From that date Gallo maintained union wage rates but all other protections of the UFW contract were eliminated. On May 8, in the third session of negotiations, Gallo proposed that the farm

workers give up basic protections they had enjoyed for six years, including: job security, hiring hall, health & safety, seniority grievance procedures, discharge, etc. In other parts of the state the Teamsters were, at that time, publicly proclaiming their willingness to surrender these same clauses to the growers. Teamster organizers began appearing in Gallo fields on April 24. They were seen with Gallo supervisors, Heuer, Berhardi and Cardenas. UFW organizers were not allowed in the fields after the contract expired April 18. In May and June Gallo fired 5 workers for union activity; one of those fired was a duly elected member of the Gallo Ranch Committee. By these deeds and others Gallo made it very clear to us that they were planning to sign with the Teamsters unless our Union gave up the most fundamental protections of the contract. (In April, May, June 1973 table grape growers throughout the state were signing with the Teamsters without consulting their workers. In all of those situations the Teamsters first appeared in the fields with company assistance, UFW negotiations bogged down on the issues of the hiring hall, pesticides, seniority, job security, etc. In the end all of the grape growers, but two, signed sweetheart contracts with the Teamsters.)

Ernest Gallo says that the Teamsters presented evidence that they represented Gallo's workers and that Gallo verified the evidence: But Gallo has never been willing to let an independent third party examine this Teamster "evidence." In fact, Gallo's regular workers went on strike June 27, 1973 when the company announced its intention to negotiate with the Teamsters. More than 135 Gallo workers with established seniority were on the picket line while Gallo was talking with the Teamsters in late June and early July 1973. Ernest Gallo has admitted to Ron Taylor of the FRESNO BEE, .. *"That the striking workers were notified they would be fired if they did not return to work. He (Gallo) said they were then discharged and new workers recruited. This second group of workers ratified the Teamster contract. Gallo said those workers who went out on strike had no voice in the matter."* (National Catholic Reporter, January 10, 1975)

This Gallo procedure in 1973 contrasts sharply with their actions in 1967. On Aug. 7, 1967, the California State Conciliation came in at the request of Gallo and the UFW and verified the workers' signatures for UFW; this election led to the first UFW-Gallo contract in 1967. In terms of 1973, we have in our possession signed authorization cards from 173 Gallo workers who were employed on the day the contract expired (April 18, 1973). We will present those cards for inspection and verification whenever Ernest Gallo is willing to present his "evidence" of Teamster representation.

Ernest Gallo says that his workers were unhappy with UFW: If this were so, why did the majority of Gallo's regular workers go on strike, June 27, 1973? Gallo now says that there was no such strike on June 27th! But at the time Robert Gallo admitted publicly that the strike was effective (Modesto Bee, June 28, 1973). On July 3, 1973 the company fired their regular workers who were on strike. Several days later Gallo began eviction proceedings against that group of strikers who lived in Gallo's labor camps (many strikers lived in their own housing). These evictions make a lie out of Gallo's claims that the Teamsters represented their workers. On the one hand the company was trying to evict 74 strikers and their families from their homes and at the same time they were announcing to the public that 158 of 159 workers had ratified the Teamster contract (Los Angeles Times, July 11, 1973)

Ernest Gallo is disturbed about the "rights of the workers" under a UFW contract: It is a strange concern coming from an employer who has turned his workers over to a Teamsters Union in which farm workers have no meetings, elect no representatives, have no say about dues policies, have no contract enforcement committee, no seniority, no job security, no health and safety committee, no rights!

Mr. Gallo may not like the internal workings of the UFW but he should face the fact that it is not his business. It is the business of the workers! Duly elected farm worker delegates adopted the UFW Constitution which establishes guidelines within which farm workers run their own affairs in their own union. Sections XVI-XXI of our Constitution define the rights and responsibilities of members including the procedures for discipline and appeal to the UFW Board and, if necessary, to a Public Review Board. Gallo complains about UFW discipline of members but what he does not understand is that the "Union" does not discipline workers. Gallo workers do the electing and disciplining of their fellow members in their own meetings and under the provisions of their own Constitution.

Ernest Gallo has many specific complaints about the hiring hall: As Mr. Gallo well knows the UFW Constitutional Convention revised the dues structure so that workers pay dues only when they are working. Ernest Gallo also knows that our hiring halls dispatch workers to their job on the basis of ranch seniority, contrary to his complaint. The hiring hall does follow a seniority system so that regular Gallo workers who bring cousins and uncles to the hiring hall may be separated from their relatives because the new workers cannot be dispatched ahead of employees who have more seniority. Mr. Gallo knows, but does not say, that the workers set up these seniority rules for their own protection — to protect them from Gallo's unfair hiring practices, including favoritism, nepotism, and cronyism. Ernest Gallo's real complaint is not visible in his public statements. Like other growers, the Gallos want to maintain the unilateral power to hire and fire workers. The hiring hall takes away that power. The Teamsters have handed that power back to the Gallo family.

Ernest Gallo mentions a federally supervised election on April 1, 1973 that was lost by UFW: There was no such election in April of 1973 supervised by the Federal Conciliation Service or anyone else that we know of. Mr. Gallo may be thinking of the Nov. 27, 1974 election in Arizona at the Cook lettuce ranch supervised by the Arizona Labor Relations Board. UFW was not on the ballot because we are challenging the constitutionality of the Arizona Farm Labor Law. At the request of UFW members, the workers voted 43 against the Teamsters and only 2 for the Teamsters.

Ernest Gallo is apparently impressed with the Teamster medical and pension plans: Unfortunately these plans are designed to serve year-round workers and do not effectively serve the majority of Gallo's workers who are seasonal, migratory and most in need. Teamster pension administrator Michael Thomacello described the Teamster pension plan in this way: "*(It) was designed for permanent employees, not seasonal workers. The short term guy pays for the long term guy.*" (Ramparts, Dec. '74—January 1975) "Perhaps this is why the Teamster Pension Plan is so rich with money and scandals." (Readers Digest, December '74)

The Teamster medical plan requires that a worker have 80 hours in January to get benefits in February, 80 hours in February to get benefits in March, etc. The result is that seasonal workers do not get benefits during the non-work season — the time when they have the most sickness and the least money. The UFW's RFK medical plan is specifically designed to protect seasonal workers even when they are not working (e.g., the winter months). Under the UFW plan a worker can build up 150 hours of work during the harvest season that will then provide medical benefits for the next 9 months. As our Union grows in strength the UFW medical plan and pension plan will also grow — but in our case the decisions about benefit levels and eligibility requirements will be made by farm workers elected by their fellow workers.

Ernest Gallo is upset that our Union delayed the negotiations in the early months of 1973: Negotiations were not delayed by the UFW. We could have finished negotiations

in late March or mid-April 1973 if the company had not tried to take away the most important protections the workers won in 1967 and 1970. This assertion is proved by the fact that negotiations between Gallo and UFW were concluded in three days in April 1970. (The Teamsters were not available for sweetheart contracts in April 1970.)

Ernest Gallo's view of what happened in the California legislature in 1973 is somewhat muddled: Most of the farm labor bills he supported died in the California Assembly, not the Senate. None of them got out of committee. None of them protected the right of farm workers to have elections during that work season when most farm workers are on the job. None of them were supported by farm workers even though the legislation was supposed "to protect" farm workers. On the other hand AB-3370, authored by Richard Alatorre was supported by our Union, the AFL-CIO and the major Protestant, Catholic and Jewish religious bodies in California. Farm workers actively lobbied for its passage. AB-3370 was a secret ballot election bill that would ensure that seasonal workers have a chance to vote. It was the only election bill to come out of committee and pass the California Assembly; it was defeated in Senate by the Teamsters and the growers, including Gallo.

Ernest Gallo is very vocal about the need for legislation: Thoughtful people should ask why he is suddenly so enthusiastic about legislation. Was he sending mass mailings about the NLRA two years ago? 10 years ago? The boycott has converted Mr. Gallo to the general theme of legislation. He would like people to work on legislation instead of working on the Gallo boycott. But if people are diverted from the boycott by Mr. Gallo's appeal, if the boycott is weakened by his efforts, would Gallo's active, expensive concern for legislation continue? Farm workers have waited 40 years for collective bargaining legislation. They cannot wait for legislative bodies to do what is right and just — especially when farm workers have little direct say about what happens in Sacramento and Washington. Farm workers will use the non-violent tools that are in their own hands — the strike and the boycott — to gain the justice they seek. At the same time they will work for legislation that truly protects farm workers' rights and does not take away their only means of non-violent struggle. If fair legislation does not succeed, then in time the strike and boycott will bring about elections and contracts.

Ernest Gallo claims that he is not like the other growers: The Gallo Wine Company is certainly larger than most growers. They own more than 10,000 acres of farm land. According to TIME MAGAZINE, Gallo's before-tax profits in 1971 were approximately \$40 million on sales of \$250 million. They produce 45% of all California wines and 37% of all U.S. wines. Gallo is also unlike other growers in the sense that the company is spending more money than anyone else to maintain the Teamster-grower alliance and to destroy the UFW. Gallo may be more paternalistic than some growers and the company may have slicker public relations personnel but Gallo is united with the non-UFW lettuce and grape growers on the issue that matters most to farm workers: Gallo wants to destroy the UFW hiring hall so they can hire and fire who they want, when they want; they want to be able to hire illegals and children if necessary; they want the freedom to fire active union "sympathizers" at will; they want to be able to fire older workers who cannot run through the fields as fast as 20 year-olds—even when the older workers have seniority. They want to continue the practice of giving machine and supervisory jobs to whites—even when blacks and browns have seniority. They want to hold onto these "management rights" and they are willing to make deals with the Teamsters, fire their own workers, evict them from their homes and lie to the American people in order to maintain them.

We are willing to test the will of the Gallo workers in a secret ballot election: If we lose we will call off the Gallo strike and boycott. We will make that agreement in advance; we will execute it in writing in a form that can be enforced in court. We will put up a performance bond to remove any doubts about our intentions. If Gallo refuses to have an election then we ask our friends and supporters to continue and intensify