UNITED FARM WORKERS OF AMERICA, AFL-CIO
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TO: Entities and Volunteer Committees
FROM: Boycott Information
DATE: October 29, 1974

RE: UFW LARSON CASE ABRIDGEMENT

The following is an abridgement of a report on the Larson case by UFW attorney Sandy Nathan. Boycott Info has a more extensive report on the Larson case which is available upon request:

Judge Metheny announced a decision which enjoins the UFW under some circumstances from picketing Larson's fields or conducting a secondary boycott against Larson. He also ruled that Larson could not prevent his workers from joining the UFW (and since dual unionism is generally frowned upon, a worker may not then be forced to join the Teamsters as a condition of his employment).

However, this injunction must be understood in the context of the facts of the case as well as the Judge's view of the case. The Larsons presented all of their evidence over a span of 4-5 weeks. The UFW did not put its evidence on (except for a couple hours of testimony which was taken out of order). At the end of the Larsons' presentation, Judge Metheny told me he did not wish to hear our case. The implication was clear - the harvest was over for 1974 and no decision was necessary until spring 1975; i.e., the case was presently moot and it would make no sense to make a decision until the next harvest.

In essence, he instructed me to forego putting our witnesses on at the time of the hearing (late June) because no decision would be necessary until next year - and then he turned around and ruled anyway, a most incredible violation of our right to due process.

Additionally, it is clear to me that because of the evidence elicited during direct and cross-examination of the Larsons and their witnesses; i. e., that the UFW was unlawfully "frozen out" of the union selection process, the Judge committed an error of law in not dismissing the case. Thus, we must appeal this strange ruling for the two very clear reasons (in addition to numerous other lesser errors of the Court).

To add to the confusion, and perhaps most importantly, the Judge indicated that his ruling was intended to apply between now (after the 1974 harvest) until next spring (before the next harvest) at which time the hearing should resume.

The judge's own language in announcing his decision brings up the following points:

(1) There is to be no meaning, on the merits of the case, attributed to this preliminary injunction; (2) there is no actual application of this injunction inasmuch as the hearing is to be resumed before next year's harvest; (3) this ruling can easily be reversed when the UFW puts on its case; (4) there should be no inferences from this ruling as to who will prevail in this matter.

Of course, one is tempted to ask why the Judge bothered to issue a ruling that has no effect. It is my opinion that this reflects a terribly grower-oriented sympathy in the rural courts of California. The Judge maneuvered me out of putting on our case, and then issued this ridiculous ruling. It provides great anti-boycott publicity for the growers without having any real meaning. It is just what the growers needed. I think this ruling is a product of the Judge coming from the same political, economic, and social class as the Larsons (Palm Springs Republicanism). I cannot say that there was any direct relationship between the Larsons and Metheny, only that they come from similar consciousnesses, similar influences, and similar spheres of life. One's background and lifestyle frequently form one's view of the world. Judge Metheny shares no worlds with farm workers - whether migrant or permanent, whether Mexican or not.

But this is WHY WE BOYCOTT. And, through all this, one must ask again, why wouldn't the Larsons and the Teamsters agree to a fair, secret-ballot election?

Hasta la Victoria,
Sanford N. Nathan