

## Argument in Favor of Proposition 14

The right to vote is one of our most cherished rights. And yet, as we celebrate our bicentennial, the right to vote is still at issue for the quarter million men, women and children in California who harvest the food we eat.

In 1935, when Congress granted working people the right to organize and choose their representatives by secret ballot elections, agribusiness persuaded lawmakers to deny those rights to farm workers.

Last year, Governor Brown decided to end forty years of discrimination by granting farm workers the same rights as other workers. So he sponsored the Agricultural Labor Relations Act which was endorsed by agribusiness, the Teamsters Union and the United Farm Workers.

The law was passed by the legislature—and it worked!

Gone were the bloodshed and violence which were part of California agribusiness since the turn of the century. There were no strikes or strife in the fields; more than 400 elections were held.

Yet within five months—after losing 93 per cent of the elections—agribusiness demanded crippling changes in the law before legislators provided funds necessary to continue the voting.

The Teamsters Union, which had won only one-third of the elections, also lobbied to halt the balloting.

The California legislature was not strong enough to

stand up to agribusiness-Teamster power and to permanently guarantee all of the people the most sacred American right—the right to vote.

The farm workers' only alternative was to bypass the politicians in Sacramento and to go directly to you, the people. They ask you to permanently guarantee their right to vote.

You can guarantee an end to the terrible hardships farm workers and their families have suffered. You can end squalid labor camps, malnourished farm worker children, and hazardous working conditions in the fields. Then farm workers need no longer face a life span far shorter than those of other Americans.

Proposition 14 asks you, the people of California, to act so that those who work in our fields are never again deprived of their right to vote. Your "yes" vote for Proposition 14 will assure that.

CESAR CHAVEZ, *President*  
*United Farm Workers of America, AFL-CIO*

MERVYN DYMALLY  
*Lieutenant Governor of California*

RICHARD ALATORRE  
*Member of the Assembly, 55th District*  
*Coauthor, Agricultural Labor Relations Act*

When agribusiness agreed to support Governor Brown's compromise farm labor law in May, 1975, all sides pledged to give the law a chance to work.

But agribusiness didn't like the way farm workers voted; growers lost 93 percent of the elections.

So, despite its earlier pledge, agribusiness demanded crippling changes in the law, including one denying the vote to many seasonal workers.

Agribusiness could not persuade a majority of legislators to support the changes it wanted. But a one-third minority of lawmakers can block appropriations. So California's richest industry used a cynical legislative minority to cut off funds for elections.

On February 6, farm worker voting suddenly came to a halt; Farm Labor Board offices shut down, and elections staff was laid off. The spring and summer harvests passed without farm workers having the right to vote.

The law has been funded this year only because agribusiness fears Proposition 14. Without Proposition 14, Governor Brown's farm labor law would be dead

today. If Proposition 14 fails, growers will block funds for elections next year.

Agribusiness attacks the access rule—allowing workers to speak with organizers during non-working hours—but fails to say the rule has been upheld by the California Supreme Court.

The argument that Proposition 14 robs legislators of funding power is sheer fiction. The legislature retains final authority over appropriations.

Proposition 14 became necessary because agribusiness killed elections earlier this year. Only your vote for Proposition 14 will permanently ensure voting rights for farm workers.

CESAR CHAVEZ, *President*  
*United Farm Workers of America, AFL-CIO*

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*Lieutenant Governor of California*

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*Member of the Assembly, 55th District*  
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# Agricultural Labor Relations—Initiative Statute

## Ballot Title

**AGRICULTURAL LABOR RELATIONS. INITIATIVE STATUTE.** Repeals Agricultural Labor Relations Act of 1975; reenacts as Agricultural Labor Relations Act of 1976. Makes technical amendments to maintain status quo under 1975 Act, except requires new appointments to Agricultural Labor Relations Board. Additional amendments require: access for union organizers to property of employers for certain periods; minimum of 50% of employees to petition for recertification of union; Legislature to provide appropriations necessary to carry out the Act; Board to provide employer-supplied lists of agricultural employees to persons involved in elections. Permits Board to award treble damages for unfair labor practices. Financial impact: Proposition would result in minor, if any, increased costs to the state.

## Analysis by Legislative Analyst

### PROPOSAL:

#### Background:

The Agricultural Labor Relations Act of 1975, which became effective August 28, 1975, gives agricultural workers the right to select and join unions of their own choosing for purposes of bargaining collectively with their employer and to participate in lawful union activities. These rights are similar to those given to non-agricultural workers in private employment under the National Labor Relations Act.

The Agricultural Labor Relations Act of 1975 created a General Counsel and a five-member Agricultural Labor Relations Board. The board holds elections for agricultural workers to select the union of their choice. The counsel takes legal action against unions or employers which engage in unfair labor practices prohibited by the act such as discriminating against an employee for exercising his free choice to join a union or the failure of either party to bargain in good faith.

The board establishes rules and regulations for implementing the act. It also settles disputes regarding the holding of elections and charges of unfair labor practices. The board has the power to prescribe remedies in unfair labor practice cases and may direct the offending party to compensate injured parties for certain losses. Such remedies may include job reinstatement and restoration of lost wages. The board enforces its orders by court proceedings.

The board established under the 1975 law ran out of money in February 1976. Its program was stopped for the remainder of the 1975-76 fiscal year because no additional funding was provided. Funding after July 1, 1976 is now included in the 1976 Budget Act.

This proposition repeals and reenacts the Agricultural Labor Relations Act, retaining most of its basic features with the following modifications:

1. Provides for the appointment of a new Agricultural Labor Relations Board with new terms of office.
2. Authorizes union organizers to enter an employer's property for purposes of campaigning for an election. The period of access would be limited to three hours per day at specified times. This provision is similar to a regulation, established by the existing board, which has the effect of law.

3. Provides that a new election cannot be held if, in addition to other conditions, an election was held under existing law within the twelve months immediately preceding the filing for the new election.
4. Requires the board to make lists of employees available to persons who file notices of intention to petition for elections. The board obtains such lists from employers to determine workers' eligibility to participate in an election to select a union.
5. Allows the board to order payment of treble damages as a penalty for an unfair labor practice.
6. Makes it more difficult to hold an election to remove a union which has previously won an election and which has been certified as the official bargaining representative of a designated group of workers. Petitions for holding such elections would require the signatures of 50 percent rather than 30 percent of the workers.
7. Directs the Legislature to appropriate sufficient funds to allow the board to fulfill its responsibilities. The Legislative Counsel advises that this provision is directory, not mandatory upon the Legislature and does not constitute an appropriation. Therefore, regardless of its intent, it would not bind the Legislature to appropriate any specific amount of money.

### FISCAL EFFECT:

The Budget Act of 1976 appropriates \$6,688,000 from the General Fund for the administration of the Agricultural Labor Relations program during the 1976-77 fiscal year. Because this proposition largely reenacts provisions of existing law, it would not result in any significant increased cost to the state. Some features which differ from existing law would result in minor increased state costs, and others would result in savings. Any net increased cost could be absorbed within the amount currently budgeted to the board.

Because the proposition would not legally bind the Legislature to appropriate any specific amount of money for the board, the level of funding in future years would be determined by the Governor and Legislature through the state's regular budget process. In summary, the proposition would result in minor, if any, increased costs to the state.

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Article 101

1. The provisions of this article shall apply to the legal entity which is established in Switzerland and whose registered office is in Switzerland. The provisions of this article shall also apply to the legal entity which is established in a foreign country but whose registered office is in Switzerland.

2. The legal entity shall be established by a contract or by a unilateral declaration of intent. The contract or the unilateral declaration of intent shall be subject to the provisions of the law of the canton in which the registered office is situated.

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FROM: UNITED FARM WORKERS of AMERICA, AFL-CIO  
National Headquarters: LaPaz, Keene, CA. 93531

TO: March Fong Eu  
Secretary of State  
925 L Street, Suite 605  
Sacramento, CA 95814

July 22, 1976

Dear Ms. Eu:

Agribusiness' Argument Against Proposition 14 and its Rebuttal to Argument in Favor of Proposition 14 contains deliberate misstatements of fact concerning the Farm Worker Initiative.

Paragraph Four of the employers' rebuttal alleges, "If the proposition passes, both labor and management will be burdened with a law which can be changed only by constitutional amendment." Proposition 14 is an initiative statute. It is not a constitutional amendment, and the growers misuse of terms to bolster their argument is an obvious misrepresentation of fact.

Paragraph Five of agribusiness' Argument Against Proposition 14 claims, "The initiative removes from the legislature the necessary budgetary control, and ignores the drain this might impose on other vital state programs." This is a false and misleading claim. Page 3 (Point 7) of the Analysis of Proposition 14 by the Legislative Analyst is explicit on the initiative's effect on appropriations of funds for the Agricultural Labor Relations Board: "The Legislative Counsel advises that this provision is directory, not mandatory upon the Legislature and does not constitute an appropriation. Therefore, regardless of its intent, it would not bind the Legislature to appropriate any specific amount of money."

Describing the initiative's fiscal effect, the Legislative Analyst states, "Because the proposition would not legally bind the Legislature to appropriate any specific amount of money for the board, the level of funding in future years would be determined by the Governor and the Legislature through the state's regular budget process. In summary, the proposition would result in minor, if any, increased costs to the state. Any net increased costs could be absorbed within the amount currently budgeted to the board."

We request that your office investigate these misrepresentations in the opponents' arguments and direct appropriate corrections for the voter pamphlet.

I would appreciate hearing from you on this request. Thank you for your consideration.

Sincerely,

SS/

Cesar E. Chavez  
Cesar E. Chavez  
President

CEC/mg

DUP:NFWM  
8/16/76

QUOTATIONS FROM THE CALIFORNIA SUPREME COURT RULING  
OF MARCH 4, 1976 UPHOLDING THE ACCESS RULE

"On August 28, 1975 the ALRA went into effect. The preamble to the act recites in part that 'In enacting this legislation, the people of the State of California seek to ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations. This enactment is intended to bring certainty and a sense of fair play to a presently unstable and potentially volatile condition in the State!'

"Section 1140.2 of the ALRA states that 'The policy of the State of California is to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designations of representatives of their own choosing...'"

"The interest asserted (here) is the right of workers employed on the premises in question to have effective access to information assisting them to organize into representative units pursuant to a specific governmental policy of encouraging collective bargaining....."

"The governmental policy in favor of collective bargaining, as the preamble makes clear, is designed to benefit the public as a whole. It should scarcely be necessary as we enter the last quarter of the 20th century, to reaffirm the principle that all private property is held subject to the power of the government to regulate its use for public welfare" (examples then cited: building codes, zoning restrictions, land use planning and urban development)"

The California Supreme Court then quotes an earlier decision of the U.S. Supreme Court that set an NLRB precedent: "The right of self-organization depends in some measure on the ability of employees to learn the advantages of self-organization from others...Organization rights are granted to workers by the same authority that preserves property rights... But when the inaccessibility of employees makes ineffective the reasonable attempts by nonemployees to communicate with them through the usual channels, the right to exclude from property must yield to the extent needed to permit communication of information on the right to organize (NLRB vs. Babcock & Wilcox Co., 1956).

PROPOSITION 14 -- THE FARM LABOR INITIATIVE

CHAPTER 3. RIGHTS OF AGRICULTURAL EMPLOYEES

1152. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized in subdivision (c) of Section 1153.

1152.2 The Board shall consider the rights of employees under this section to include the right to access by union organizers to the premises of an agricultural employer for the purpose of organizing, subject to the following limitations:

a. Organizers may enter the property of an employer for a total period of 60 minutes before the start of work and 60 minutes after the completion of work to meet and talk with employees in areas in which employees congregate before and after working.

b. In addition, organizers may enter the employer's property for a total period of one hour during the working day for the purpose of meeting and talking with employees during their lunch period, at such location or locations as the employees eat their lunch. If there is an established lunch break, the one-hour period shall include such lunch break. If there is no established lunch break, the one-hour period may be anytime during the working day.

c. Access shall be limited to two organizers for each work crew on the property, provided that if there are more than 30 workers in a crew, there may be one additional organizer for every 15 additional workers.

d. Upon request, organizers shall identify themselves by name and labor organization to the employer or his agent. Organizers shall also wear a badge or other designation of affiliation.

e. The right of access shall not include conduct disruptive of the employer's property or agricultural operations, including injury to crops or machinery. Speech by itself shall not be considered disruptive conduct. Disruptive conduct by particular organizers shall not be grounds for expelling organizers not engaged in such conduct, nor for preventing future access.

PROPOSITION 14 — THE FARM WORKER ELECTION LAW

WHY IS IT NECESSARY?

What will Proposition 14 do? The summary on the November ballot reads as follows: "Agricultural Labor Relations. Initiative Statute. Repeals Agricultural Labor Relations Act of 1975; reenacts as Agricultural Relations Act of 1976. Makes technical amendments to maintain status quo under 1975 Act, except requires new appointments to Agricultural Labor Relations Board. Additional amendments require: access for union organizers to property of employers for certain periods; minimum of 50% of employees to petition for decertification of union; Legislature to provide appropriations necessary to carry out the Act; Board to provide employer-supplied lists of agricultural employees to persons involved in elections. Permits Board to award treble damages for unfair labor practices. Financial impact: Proposition 14 would result in minor, if any increased costs to state."

Why is Proposition 14 necessary? Prop.14 became necessary when a minority of grower-supported legislators successfully blocked refunding of the ALRA and brought elections to a halt on February 6, 1976. If Prop.14 passes, there will be a stable farm worker election law in California which will finally resolve the eleven (11) year battle over union recognition in the fields. If Prop.14 passes, farm workers will be assured of voting in secret ballot elections for the union of their choice or for "no union".

But haven't funds already been provided? Farm workers and their supporters worked for refunding of the ALRA from January-April 1976. They were not successful. In April of 1976 farm workers gathered 728,000 signatures of registered voters ensuring that the Farm Worker Initiative (Prop.14) would be on the November ballot. Agribusiness' united opposition to refunding the ALRA crumbled with the advent of Prop.14. Some growers and rural legislators immediately began arguing that the only way to defeat Prop.14 was to refund the existing farm worker election law. On July 1, funds for the ALRA were voted into the 1976-77 state budget.

If the funds have been provided, why is Prop.14 necessary? Funds for the current fiscal year were provided only because Prop.14 was hanging over the heads of agribusiness. Without the existence of Prop.14 a united agriculture may well have succeeded in keeping the ALRA out of the 1976-77 budget. They succeeded for six months (Jan.-June '76) because it takes a 2/3 vote to pass an emergency appropriation. It also takes a 2/3 vote to adopt the state budget. If Prop.14 fails, growers will seek weakening amendments to the law next year and will try to kill ALRA funding in the state budget if such amendments are not adopted. If Prop.14 passes, farm worker elections will be secure and the ALRA will be protected from future legislatures and future governors who may be openly unfriendly to the rights of workers.

- 
- Enclosed is my contribution for the "YES ON 14" campaign.
  - I would like to help with the YES ON 14 Campaign.
  - Our group would like to have a speaker on Proposition 14.
  - Please send more information on Proposition 14.

InterFaith Committee  
to Aid Farm Workers  
1430 W. Olympic Blvd.  
Los Angeles, CA 90015  
(213) 386-8130

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: (    ) \_\_\_\_\_ Assembly District \_\_\_\_\_



# Proposition 14 - Farm Worker Initiative

## WHY IS IT NECESSARY?

LOS ANGELES TIMES • 5/17/75

### Senate Passes Farm Labor Bill

Measure Sent to Assembly; OK Seen This Week

LOS ANGELES TIMES  
6/6/75

**BY HENRY OLLMAN**  
Times Staff Writer

SACRAMENTO—The Senate Monday approved Gov. Brown's compromise farm labor bill calling for secret ballot union elections to end years of strife in California agriculture.

A 51-7 vote sent the historic legislation, authored by Sen. John F. Dunphy (D-Hemp), to the Assembly, where backers predicted it would be approved by the end of the week.

Applaud and cheers erupted in the crowded upper-chamber chamber when the winning vote was announced.

Twenty-four Democrats and seven Republicans voted for the Administration measure. All seven GOP votes were cast by GOP members.

The compromise was reached at negotiations between Brown Administration representatives, growers' groups, the Teamsters Union, the United Farm Workers of America and the AFL-CIO Labor Federation.

In his opening remarks on the Senate floor, Dunphy said, "I know this bill doesn't satisfy everyone. It is not a 100% bill. It is not a 100% bill and it is not a growers bill."

If a farm, growers bill and a near parity with all concerned. But it is not a special interest bill. It is a bill in the public interest.

The Administration hopes the legislation will become a model for other states to use in coping with the agricultural labor problem.

### Brown Signs Farm Labor Compromise

Governor Calls Law Start Toward Ending Violence in the Fields

BY HENRY OLLMAN  
Times Staff Writer

SACRAMENTO—Gov. Brown Thursday signed into law a landmark bill guaranteeing secret-ballot union elections for California farm workers calling it a "beginning" toward ending 19 years of turmoil in the fields.

Brown signed the historic measure in a crowded Capitol chamber flanked by key Democratic lawmakers who helped push it through the Senate and Assembly in only 18 days.

Brown had negotiated the compromise among growers, the Teamsters Union, Cesar Chavez's United Farm Workers of America and the AFL-CIO Labor Federation, which have been at odds over farm worker representation for a decade.

LOS ANGELES TIMES  
2/7/76

### Farm Labor Board Closes Up Shop as Legislative Stalemate Blocks Funding

LOS ANGELES TIMES  
4/17/76

SACRAMENTO (UPI)—The state Agricultural Labor Relations Board the victim of a bitter legislative stalemate closed its doors Friday and ended its historic secret ballot union election designed to bring labor peace to California fields.

Citing it a "day of infamy" for farm workers, Cesar Chavez declared, "Our only recourse is to take our case to the people of California and return to action and boycotts."

As the five-member board conducted its last two elections in El Centro and led off all but a skeleton staff, Gov. Brown held an unannounced, last-minute meeting with legislators and leaders of major farm organizations, including the Western Growers Assn. and the California Farm Bureau Federation.

The governor earlier publicly charged growers for "lying" in the 110-hour to force through amendments to the landmark farm labor law enacted last summer.

### General Counsel of State Farm Labor Board Quits

Claims Law Has Become a "Treaty of Justice," Supports Ballot Initiative Backed by Chavez Union

BY HENRY OLLMAN  
Times Staff Writer

The beleaguered Agricultural Labor Relations Board without another major bid. Today when his chief administrative officer resigned and a key member of the board itself is expected to resign quickly.

The ALRB, which is expected to administer the state's first farm labor law, has been almost without money since February when a coalition of Republicans and rural Democrats blocked an emergency \$2.5 million appropriation to operate the agency.

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INDUSTRY NEWS 1/3/76

### Calif. Agriculture Unites to Amend ALRB Law

THE PACKER 1/3/76

### Amendments Proposed To Farm Labor Act

NEWPORT BEACH, CALIF.

California agriculture will soon lobby a series of legislative amendments to the state farm labor act during the forthcoming session of the Legislature.

Amendments during the four months the law has been in force demonstrate the need for the changes, according to Elroy Avedis, executive vice president of Western Growers Assn. (WGA), one of the farm groups involved in the program.

### Bill to Bail Out Farm Labor Board Hits Assembly Snag

SACRAMENTO (UPI)—Gov. Brown's \$2.5 million bill to bail out the beleaguered Farm Labor Board was struck from the Assembly agenda Thursday as demands mounted for oversight of the fledgling agency.

The six-month-old board is faced with going out of business Feb. 1 for lack of money while mostly Republican rural legislators threaten to block the emergency appropriation unless substantial changes are made in operation of the board's agenda.

The bill, which is expected to be passed by the full Assembly, if they would not achieve the

(necessary two-thirds margin for approval and would be defeated.

Monday, Sen. Clare Berryhill (D-Santa Ana), a grower lawyer and leader of the opposition to the appropriation, declared he had rounded up the votes needed to deny the proposal a two-thirds majority in the Senate.

"I can tell you flat out I've got enough votes to stop that appropriation unless there are some changes," he told reporters.

LOS ANGELES TIMES  
1/16/76

Los Angeles Times  
Sun, April 6, 1975 - P. 8



Man With a Hoe

### Farm Union Petitions Flood of Signatures to Revive Farm Board

SACRAMENTO (UPI)—Farm workers of the state yesterday flooded the state legislature with petitions to revive the state's farm labor board.

The petitions, which are expected to be presented to the legislature in the coming weeks, were gathered by Cesar Chavez's United Farm Workers of America (UFWA) and other farm labor groups.

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### ALRB Rollbacks Lacks Votes

SACRAMENTO, CALIF.—The California Agricultural Labor Relations Board (ALRB) is expected to be rolled back by the legislature in the coming weeks, according to a report from the state's farm labor board.

The ALRB, which is expected to administer the state's first farm labor law, has been almost without money since February when a coalition of Republicans and rural Democrats blocked an emergency \$2.5 million appropriation to operate the agency.

**San Angeles Times**

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3-PART IV SUNDAY MORNING, JANUARY 18, 1976

### Strangling the Farm Board

The board that administers California's new Agricultural Labor Relations Act has run out of money, and will have to cease operations Feb. 1 unless the legislature approves Gov. Brown's recommendation for a \$2.5 million supplemental appropriation.

The board must not go out of existence, despite an often-languid and contentious performance over its first 16 months.

Someone has been entirely satisfied with the law or the board's enforcement of it, but they still remain the state's best hope of ending years of violence and turmoil in the fields and of assuring farm workers a more secure life.

But a coalition of rural legislators, led by Sen. Clare Berryhill, a Republican grape-grower from Shingle Springs, is determined to secure debilitating amendments to the law in exchange for support of an emergency appropriation. And, as of now, they seem to have the votes to deny it the necessary two-thirds majority.

The changes they want are many and major, and would work most directly against the organizing efforts of Cesar Chavez and his United Farm Workers of America.

The amendment would deny union organizers access to farm property even during nonworking hours, a right that was given them by the board in one of its most controversial rulings. Another would make it more difficult to get an election on a week after workers notified for a union vote.

by which time the harvest might be over and the petitioners working on another farm. Bill another would defuse farm labor contractors as employers, creating an entirely new element of contention.

There can be no doubt that the intent of the amendments is to weaken the rights of workers and strengthen those of growers, while retaining the pretense of fair collective bargaining.

LOS ANGELES TIMES  
1/29/76

### THE STATE

The Agricultural Labor Relations Board should be allowed to do what it deems to be in the best interests of the state, said Allen Mills, executive vice president of the California Grape and Tree Fruit League. Mills, whose organization represents most of the table grape growers, said the board has been too conservative in its actions and should be given more authority by growers. The board is scheduled to go out of business Feb. 1 unless the Legislature approves a \$2.5 million bill now before the Senate.

### Holding the Budget Hostage

California's \$12.8 billion budget for 1976-77 has been delayed the two-thirds vote necessary for passage in the Assembly, primarily because it contains a \$4.5 million appropriation to revive the Agricultural Labor Relations Board, which has been unable to conduct collective-bargaining elections among farm workers since it ran out of money last February.

The board's opponents are playing a dangerous game. The Legislature already is nearing its constitutional deadline for submitting the budget to Gov. Brown. If it does not reach his desk in time for him to sign it into law by midnight next Wednesday—and he still has much work of his own to do on late-state operations would come to a halt, and the government would be denied the subsidies on which many of their services depend.

The obstructive tactics of a minority in Sacramento also threaten a return to the disruption and violence that were common in California's fields and groves before enactment of the farm labor statute a year ago.

It is also apparent that the incidents no longer are isolated. The board has been unable to conduct collective-bargaining elections among farm workers since it ran out of money last February.

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LOS ANGELES TIMES  
6/7/76

WEDNESDAY MORNING, JUNE 23, 1976

### Farm Board Issue Blocks State Budget

Passage Thwarted by Assembly Republicans, Many of Democrats

BY WILLIAM BRIDGEMAN  
Times Staff Writer

SACRAMENTO—Republicans and a handful of Democrats blocked passage Thursday night of a \$12.8 billion state budget for 1976-77, primarily because of disagreement over funding for the controversial Agricultural Labor Relations Board.

The Assembly vote was 36 to 28, but a two-thirds majority of the 80-member house was needed for passage.

But most of the dispute was over the \$4.5 million included in the budget for the beleaguered farm labor board, which has been dormant since it ran out of money in March.

Democratic leaders brought two factors might defuse opposition to the funding.

The threat of passage of a farm labor initiative that was qualified for the November ballot by Cesar Chavez's United Farm Workers of America.

There were Brown appointments in the board and a new general election to replace former members who had drawn strong criticism from growers for an alleged bias toward Chavez unionists.

(over)

## ARGUMENT IN SUPPORT OF PROPOSITION 14: THE FARM WORKER INITIATIVE

In 1935, after years of labor strife, the U.S. Congress adopted the National Labor Relations Act which supported the right of industrial workers to organize, vote for the union of their choice and bargain with their employers. Farm workers were specifically excluded from that law at the request of rural legislators whose votes were needed to pass the NLRA. Farm workers have been denied this basic right to vote for the union of their choice for 40 years.

On May 5, 1975 labor and grower representatives and key legislators met with Governor Jerry Brown to hammer out a compromise version of a collective bargaining law for California farm workers. The Governor connected his phone to loudspeakers in his office and put in a call to Cesar Chavez because the growers wanted to know whether the UFW leader accepted the compromise law. Cesar Chavez agreed to the compromise law and promised that the UFW would abide by its terms. The growers made the same commitment!

By late May 1975, all parties (growers, UFW, etc.) agreed to the provisions of the Calif. Agricultural Labor Relations Act (ALRA) of 1975. The ALRA passed the Calif. Assembly 64-10 and the Senate 31-7. Gov. Brown signed it into law on June 5, 1975. On July 1, 1975 Cesar Chavez began a 1,000 mile march to explain the law to farm workers. Strikes came to a halt. Chain store boycotts stopped. By February 6, 1976, over 350 secret ballot union representation elections had been held. The UFW won a clear majority despite the fact that grape and lettuce growers were openly campaigning for the Teamsters.

At that point the Agricultural Labor Relations Board (ALRB) ran out of money and the growers demanded changes in the new law as the price for providing additional funds. The Governor reminded the growers that the law was a delicate compromise which they had supported; he also argued that it was too soon to change a law that was only five months old. The growers and their legislators persisted in opposing the funds and they succeeded. On February 6, 1976 secret ballot elections for farm workers stopped By late March the legislature still had not provided funds for the ALRA. In 28 days in April, the UFW and supporters gathered 728,000 signatures of California voters to put the labor law on the general election ballot. On Nov. 2, 1976, the people of Calif. will decide whether farm workers have the right to vote for the union of their choice.

In 1975 the state of California granted farm workers the right to vote in secret ballot elections for the union of their choice. In 1976 the state of Calif. nullified that right by taking away the opportunity to vote. In short, they stopped printing ballots and took away the ballot boxes.

The Farm Worker Initiative (Proposition 14) has a simple objective: to guarantee to farm workers both the right and opportunity to vote in secret ballot elections for the union of their choice. The Initiative calls on the legislature to provide the necessary funds to operate the law. The Initiative cancels the existing ALRA and puts the language of a new ALRA in its place. The Initiative requires that the Governor appoint a new Agricultural Labor Relations Board. The Initiative, if adopted, can only be amended by a vote of the people.

The growers argue that Gov. Brown betrayed them in 1975 by appointing a pro-UFW Board The evidence does not support the growers' contention: (a) 67 of 72 Board decisions were issued without dissent. In only 1 case were the supposed "pro-UFW" Board members (Chatfield, Mahony, Ortega) lined up against Grodin and Johnsen. (b) Of 11 farm worker

elections set aside by the Board, 5 had been won by the UFW and 3 by the Teamsters. (c) Of the Hearing Officers hired by the ALRB most had NLRB backgrounds; 5 had previously represented the Teamsters and only 1 had previously represented the UFW.

What are the differences between the existing ALRA & Proposition 14 (the new ALRA)?

- (1) Proposition 14 writes into the law the same access rule that the ALRB adopted in September of 1975 after hearing testimony from all sides. Prop.14 and the ALRB ruling allow union organizers to be on company property for one hour before and after work and for one hour at lunchtime to talk with workers about the issues of the election. The organizers must be identified and there is a limit of one organizer per 15 workers.
- (2) Proposition 14 allows (does not require) the ALRB "in appropriate cases" to assess treble damages against a union or a grower found guilty of unfair labor violations.
- (3) Proposition 14 states that the Board shall make an employer's list of employees available to any union that files a notice of intent to petition for an election when the notice of intent is accompanied by a "reasonable showing of interest" by the workers.
- (4) Proposition 14 states that a minimum of 50% of an employer's workers must petition for a decertification election before the ALRB will hold a decertification election.

What is the purpose of the access rule? The access rule is designed to protect the right of workers to hear about the issues in a union representation election. The ALRB promulgated the access rule because they discovered that many farm workers live in company housing, or in isolated labor camps or in barns, sheds and under trees on company property. The growers had access to the workers day and night; without an access rule the growers were also able to invite the Teamsters into the fields and call on rural sheriffs to arrest UFW organizers thus denying the workers the right to hear from all sides in the election.

Why are the growers opposed to the access rule? They argue vehemently that it is a violation of the constitutional right to private property. They claim that it will lead to further violations of property rights. However, the access rule is very limited and very specific and applies only to election situations in agriculture. The State Supreme Court affirmed the ALRB access rule. Justice Wm. Rehnquist refused to set the rule aside.

The growers argue that Prop.14 is no longer needed since the legislature has now provided funds for the ALRB. It is an unlikely argument from those who used all their considerable power to kill the farm worker election law in the spring of 1976. The existence of Prop.14 caused the big growers of Calif. to change their strategy and support ALRA funds for one year. If it had not been for Prop.14, the farm worker election law would be dead today. If Prop.14 is not passed the farm worker election law may well be maimed or killed in the future.

The right to vote is one of our most cherished American rights. Prop.14 asks the people of California to ensure that those who work in the fields will never again be deprived of the right to vote in secret ballot elections to determine their own future.

Written by:  
The Rev. Wayne (Chris) Hartmire, Dir.  
National Farm Worker Ministry



Man With a Hoe

## Chavez: Farm Worker Initiative Is Needed to Guard Against Abuses

BY CESAR CHAVEZ

Last May, the strangest meeting in the history of California agriculture took place in Gov. Brown's Sacramento office. There, the governor, members of his staff and representatives of nearly every growers' organization in the state had gathered to hear whether the United Farm Workers would support a compromise farm labor law.

Before the growers would commit themselves to the law, they wanted my personal pledge as president of the UFW that we would not return to the Legislature the next year demanding changes in the new statute. I was to relay our response by telephone from our headquarters in La Paz, Calif.

When my call came through, the governor hooked a speaker box to his phone so everyone could hear. "I agree. It is a negotiated agreement," was my reply. It was the last step in the historic compromise between

workers, growers and the Teamsters Union that resulted in passage of the Agricultural Labor Relations Act.

But the true significance of that May meeting cannot be grasped unless one recalls what has gone on for the past 40 years in California's fields. Traditionally, the growers have opposed any legislation to give their workers collective-bargaining rights, and have ruthlessly crushed every union-organizing effort.

Despite the growers' intransigence, America's farm workers finally succeeded in building their union. Between 1965 and 1970 they conducted a strike-boycott that rallied millions of supporters to their cause, and forged an enduring alliance between unions, church groups, students, minority people and consumers.

Faced with this new reality, the growers adopted more subtle tactics. They sought repressive legislation outlawing the farm workers' most effective nonviolent tool—the con-

...over...

sumer boycott—and pushed an initiative—Proposition 22—which a 60% majority of the voters rejected in the 1972 general elections.

When growers tried to defeat the UFW by signing "sweetheart" agreements with the Teamsters Union, farm workers organized the largest field strike in the history of U.S. agriculture, and a worldwide boycott of non-UFW grapes, head lettuce and Gallo wines. By October, 1975, a Louis Harris poll showed that 17 million American adults were honoring the grape boycott.

During the 1974 gubernatorial campaign, Brown pledged to seek enactment of a law granting farm workers secret ballot elections. He kept that pledge, and the compromise I have described was the result. Under intense pressure from supermarket executives, who wanted relief from the boycott, the growers joined me in solemnly promising not to push changes in the law, and it was quickly passed by the Legislature.

Afterward, our union recruited and trained hundreds of volunteer farm worker organizers and staged a 1,000-mile walk across the state to bring news of the law to the workers, and to inform them of their newly won rights. We also prepared to document the unfair labor practices that the grower-Teamster alliance had taught us to anticipate.

Initially, the Agricultural Labor Relations Board established by the new law was unable to contend with the sheer number of elections

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*Cesar Chavez is president of the United Farm Workers of America AFL-CIO.*

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and the attendant avalanche of unfair labor practices charges. But with a task force of criminal attorneys and investigators appointed by Brown to supplement its staff, the board's administration and enforcement improved.

Everyone was surprised that our union won the great majority of elections. After all, most of the voting occurred at ranches with Teamster contracts, and it is nearly impossible to overcome an employer and an "inside" union when they work together; even some of our labor allies predicted that we would win only 25% of the elections. But of the 327 elections decided so far, the UFW has won 204, and represents 68.8% of the workers involved.

In the Imperial Valley, where the final balloting occurred, the UFW took 16 out of 22 certified elections by winning 4,349 of the 5,004 total. Obviously, our momentum was building—but then the ALRB ran out of money. Thus, few elections have been certified, and even fewer contracts signed.

A cynical legislative minority of Republicans and rural Democrats blocked the board's funds. Apparently frightened by the Imperial Valley returns, the growers, whose interests these legislators represent, decided to seek an end to UFW victories by demanding major changes in the law before additional money could be approved.

Among the amendments pushed by the growers is one which would deny migrant workers the vote by extending the period between the filing of an election petition and the final balloting from 7 to 21 days. (Most migrants do not spend that length of time on one farm.) Another change would deny the UFW the right to talk with workers in the

fields during nonworking hours. (That right has already been upheld by the California Supreme Court, and this week U.S. Supreme Court Justice William H. Rehnquist refused to stay the ruling.)

Agribusiness does not have the simple majority in the Legislature required to change the Agricultural Labor Relations Act itself. But since the ALRB's funding must be approved by two-thirds of the legislators, the growers can deny the board the money it needs by controlling a minority of the votes. In this fashion, a legislative minority can use perfectly legal means to deny voting rights to the poorest of the poor in our society.

Even if the current funding proposal were passed, it has been so slashed by the cynical minority that the ALRB says it would not have enough money to reopen its regional offices or conduct elections. Worse still, the growers vow to fight ALRB funding in the governor's next budget and to oppose any appropriations for elections until their demands are met. Given their way, the growers will pick at the law like vultures on a carcass until nothing is left but a skeleton.

We have hoped, prayed and waited for the Legislature to act. Finally, we decided to bypass the politicians in Sacramento and go directly to the people of California to ask them to guarantee farm workers the right to vote. This appeal will take the form of an initiative, to make the Agricultural Labor Relations Act safe from unscrupulous tampering.

The Farm Worker Initiative will make only a few changes in the existing law. The right of field access before and after work and at lunch breaks, already upheld by the California Supreme Court, will be formally added to the statute. After all, the growers do not oppose access, since they permit the Teamsters as much as that union wants. Only when our union tries to communicate with workers do the employers cry foul.

The new ALRA would also furnish parties to the election an employer-supplied list of eligible voters. Under the current law, we have been forced to participate in elections in which the identities of eligible voters were uncertain. Finally, our law would assess treble damages against growers convicted of unfair labor practices.

Our immediate goal is to qualify the initiative for the Nov. 2 ballot by gathering the valid signatures of 350,000 registered voters. Hundreds of volunteers are now working to do just that.

The Farm Worker Initiative campaign will be difficult and expensive—expensive for the growers, who will spend millions to defeat it; difficult for the farm workers, who will sacrifice themselves and their time. But the growers have money, and we have time. We will match their millions with our bodies, our spirits and the goodwill of the people of this state.

California is the most populous, richest member of the Union, the Golden State. But it is not yet strong enough to guarantee all of its people the most sacred American right—the right to vote. The Farm Worker Initiative asks the people of California to insure that those who labor in our fields are never again deprived of the right to determine their own fate.

## ARE YOU SERIOUS, U.S.?

# Farmers Pull Chain on Potato Patch Privy Plan

WASHINGTON (AP)—Some farmers are outraged at a privy-on-the-prime proposal that would require them to provide toilets, washing facilities and drinking water within a five-minute walk of all field workers.

Since the proposal was made last April, the Occupational Safety and Health Administration has received about 1,000 letters, mostly from farmers who cite cost, impracticality and difficulty of enforcement as potential problems. Few are from farm workers.

One irate Florida farmer says his workers must control their bowel movements when they are working so as not to reduce productivity.

"Why are you trying to get us to 1984 before the clock does?" wrote Rhee Cummings of Greensboro, N.C. "Toilets, sinks and water fountains in the fields? Are you serious?"

Mrs. Bill Simanton of Malta, Mont., writes that she would need dozens of toilets on her 627 acres. "This would entail financial bankruptcy because a water well would have to be drilled for each facility. And each would have to be heated to insure against freezing during the winter months."

And this unsigned comment from a farmer in Brownsfield, Tex., "What else will you idiots in Washington come up with?"

Faced with this outhouse impasse, OSHA officials concede changes in the standard will be made. "I think it will have to be modified," said W. M. Glasier, an OSHA agricultural safety specialist.

He added, however, that some regulation is necessary because not everyone takes care of workers. Glasier cited a letter from a farmer in Coconut Grove, Fla., who wrote:

"These proposed standards only give a worker another excuse to be goofing off while on the job and will not provide any real benefit to the worker. Bowel movements can be controlled and should be accomplished by the worker before entering the place of work or after.

"At the present time, no one is permitted to use the sanitary facilities here during working hours as this cuts down on their production and amounts to a monumental waste of time. New employees are permitted to use the facilities until they train themselves so bowel movements take place out of working hours."