

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.

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