

Gringo Justice
The United Farm Workers Union, 1967-1981

By Jerry Cohen

February 2008

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In 1967 I became General Counsel of the United Farm Workers Union, and for the next fourteen years I represented Cesar Chavez and some of the best union organizers in the country. Amherst is housing my personal and legal papers from that time. Professor Ilan Stavans asked me to write an introduction to those papers.

Writing in 2008, I am proud of the legacy of the Farm Worker struggle, during which some of the country's best labor and political organizers and attorneys learned their crafts.

The elements of the struggle which loom largest after all this time are Cesar's 1968 fast for nonviolence, the Union's measured response to injustice, and the development of power through strikes, boycotts, and use of the law.

On Monday, January 1, 1996, my obituary ran in the New York Times. The headline read "Jerry S. Cohen, 70, Labor and Class-Action Lawyer is Dead." But I have no middle initial, had not yet reached seventy and am not dead. When I called the Times to tell them they had made a mistake, a condescending voice asked, "Are you sure?"

The article claimed that the poor dead Jerry had "represented Cesar Chavez and the United Farm Workers for 14 years, winning fights in and out of court that enabled the union to organize farm laborers for the first time." Reporter Robert McFadden went on to write:

"From 1967 to 1981, Mr. Cohen was chief counsel to the United Farm Workers, joining Cesar Chavez in the bitter fight in the late 1960s that successfully organized tens of thousands of agricultural workers with a nationwide boycott of California table grapes.

"Among other things, Mr. Cohen won court fights against using trespass laws against union organizers who were barred from access to workers in the fields. He was also instrumental in writing a farm workers Union accord with the Teamsters to end a decade of organizing strife."

The Times had misfiled articles covering Farm Worker legal battles, mixing them up with articles concerning a D.C. class action lawyer named Jerry S. Cohen, who had in fact died.

Neither Amherst nor law school teaches a course on what to do when told you are dead.

First, I asked the Times to print a corrected obituary, but a correction in their errors box was all they were willing to do. Second, since I didn't want to intrude on the grieving family, I called Cohen's law firm. I apologized, saying, "I know you're aggrieved but".... Before I could finish, a querulous voice responded, "Oh yeah, I'm really aggrieved." I had done my duty.

I learned of my death from my good friend Jessica Govea Thorbourne, who called from New Jersey, laughing and wanting to be the first with the good news. This New Year's wakeup call came at 6 a.m. Pacific time. It was followed by LeRoy Chatfield's heartwarming laconic voice: "Sorry you're dead. Have the grieving widow call as soon as she gets over it." The strangest message was from a paranoid buddy who warned me that since this obituary appeared on the first of January, it was an omen that I should be very careful each and every day of 1996. Not too helpful but also not too worrisome because the last word on this subject belongs to none other than James Joyce, who in *Ulysses* has Leopold Bloom at Paddy Dignam's funeral muse, "Read your own obituary notice they say you live longer. Gives you second wind. New lease of life."

What had I done with my law degree to earn such an honor?

In January 1967 I went to work for California Rural Legal Assistance, an Office of Economic Opportunity legal aid program. I was told while being recruited that CRLA had a close working relationship with Cesar Chavez and the United Farm Workers. After going to work, I learned that CRLA as a federally funded OEO program could not have an office in Delano and was prohibited from representing the Union.

McFarland, the site of the CRLA office, is five miles south of Delano, and the Perelli-Minetti winery sits east of Highway 99 between the two towns.

The United Farm Workers Union was boycotting the winery because it had signed a sweetheart contract with the Teamsters rather than negotiate with the UFW, which claimed to represent its workers.

One Saturday I went to join a Union picket line at a Mayfair store in Bakersfield. The boycotters were asking consumers not to shop at Mayfair until the company stopped selling Perelli-Minetti wine. They had to tell their story from public property across the parking lot from the store entrance because the store manager had kicked them off Mayfair's property. However, he was allowing some women from the John Birch Society stationed right at the entrance to the store to tell his customers that the pickets were, in common Kern County parlance, "outside agitators." I talked to the store manager, arguing that either the ladies should join the pickets, or he should let the pickets join the ladies. He agreed to let everybody talk to the customers at the entrance. Jim Drake, a minister in charge of the picket line, later reported to Cesar his delight at the congested mess this arrangement created.

The following Monday the supervising attorney of the CRLA office called me in to say that I shouldn't be seen on Union picket lines even on my own time. Now, while there were a lot of fine people working at CRLA dedicated to bringing a measure of justice to the rural poor, there were others I could have done without: Some thought the poor were angels. Others were self-righteously shouldering the white man's burden. Several, as poverty warriors, prided themselves on being downwardly mobile toward the exotically deprived. One image conscious paralegal worked hard on learning to light his Marlboros by striking matches on his new blue jeans. Some of the hot issues left me cold as well. (For example, was it demeaning, involuntary servitude to require a welfare recipient to rake leaves in a public park a couple of hours a day?) Finally, why was the headquarters of a rural legal aid program in downtown Los Angeles? My days at CRLA were clearly numbered.

On the following Friday night I bumped into Cesar Chavez at the appropriately named "Peoples Bar" in Delano and spelled out my frustration with CRLA's inability to help the Union directly. Cesar said that if I wanted to help the Union, I should come to work for the Union because of the constraints on the federal program. I told him that having just graduated from

law school I didn't know much. He lied and said he didn't know anything either and that we would learn it together. The next day we met in the office of his administrative assistant, LeRoy Chatfield, and worked out the details of my new job. My glorious three month stint at CRLA was over. What I didn't know at the time was that Sal Gonzales, a very talented CRLA community worker, was close to Gil Padilla, a cofounder and vice-president of the Union. Sal was reporting to Gil that I was urging CRLA to help the Union. Because of this report and the encounter at the Mayfair store, Cesar was willing to take a chance on a raw young attorney who liked a good fight.

My new Union "legal office" was in the kitchen of a small pink house which the Union had rented. Cesar's office was a back bedroom. Dolores Huerta ran the negotiation department from another bedroom, and Fred Ross Sr. met with young inexperienced organizers in what was once a living room. We needed to build bookcases in the kitchen and scrounge around for law books, typewriters, pens, and yellow pads. Starting with nothing, we had nothing to lose and therefore nothing to fear.

The San Joaquin Valley is a big bleak valley, and driving up highway 99 is endless. The drive from Delano to San Francisco is the longest five hours in the world. The most interesting sight along the way was Okie-Frijole Mexican Smorgy, catering to the citizens of Pixley and Earlimart. Talking was the best way to stay conscious, and Cesar used long valley drives to learn about, teach, and organize his staff. The first such drive that we took was to the law office of a volunteer attorney who was turning over his files to me.

On the way up Cesar pumped me about Amherst College. A fight against the fraternity system interested him, as did the free speech movement and anti-Vietnam marches in Berkeley, where I went to law school. We discussed Gandhi and King and an anti-war group called Citizens for Kennedy-Fulbright of which I was chairman. I asked him if I should resign from the group, and he told me I needn't unless I wanted to. Finally, approaching the city, he told me what to expect in the meeting. He simply wanted to pick up the files and leave, but he said we would have to endure a lecture because this particular attorney thought quite a bit of himself.

On the way back to Delano he said that neither he nor I knew what was possible legally but that he wanted me to take my time reviewing the files, not assuming anything. He wanted the Union defended in injunction cases, but he wondered if it were possible to be offensive as well as defensive. He said that in the past volunteer attorneys had burnt themselves out doing service work for individual farm workers. He did not want me to do service work but to focus instead exclusively on the Union. He would set the ground rules. Looking back now, I appreciate all the down field blocking he did which gave me time to learn and grow.

The first problem I tackled was the Union's relationship to the National Labor Relations Board (NLRB). To understand the importance of this relationship a little background is necessary.

The best place to start is South Africa, which solidified the foundation of apartheid in 1924 when an alliance of white workers and Afrikaner nationalists formed a Nationalist Labor Pact government. That year the Industrial Conciliation Act was passed, setting up the legal machinery for collective bargaining. "Blacks" were specifically excluded from the definition of "employees" who were to receive the protections of the Act.

In 1935 when Congress passed the Wagner Act as part of the New Deal, it excluded "domestics" and "agricultural laborers" who were thus dealt out and received no protection under the new federal labor relations law. This sleight of hand was more subtle than the straight forward discrimination of the South Africans, but most domestics and agricultural laborers were minorities.

In 1947 the Taft-Hartley Act amended the Wagner Act. For purposes of this discussion the most important change was the ban on secondary boycotting.

In this context a primary boycott is a boycott of a product grown by a farmer with whom the union has a dispute. For example, when the Union struck the Giumarra Vineyards, the boycott of Giumarra's label, ARRA, was a primary boycott. A secondary boycott is a boycott against some institution in the distribution chain. When the Union picketed Safeway stores with

signs saying “Boycott Safeway” that was a secondary boycott. The purpose was to force Safeway to stop selling ARRA grapes.

The prohibitions of the National Labor Relations Act, including the ban of secondary boycotts, restrict “unions.” As defined by the Act, a “union” is one which includes any “employee.” Agricultural laborers are not employees covered by the Act and therefore have no rights under the Act.

At the time I came to work for the United Farm Workers in March of 1967 the Union was engaged in the boycott of Perelli-Minetti wines, which were sold among other places at Mayfair stores. The attorneys who represented the Farm Workers were entering into stipulations with the NLRB, prohibiting the Union from engaging in the secondary boycott of Mayfair. These agreements raised an obvious question: How could a union composed of excluded agricultural laborers who had no rights under the NLRA be inhibited in its boycott activities by that act? At the time the Union had a contract with a large grower, the DiGiorgio Corporation. Of the few thousand members in the Union, nine worked in what was a commercial peanut shed, shelling peanuts of various growers. Those nine workers were “employees” under the definition of the National Labor Relations Act, and the United Farm Workers was therefore a union covered by the inhibitions of the act because a covered union is one which includes “any employee.”

I talked to Cesar about this problem and wondered if we could get the peanut shed workers out of the Union, thus freeing us to engage in secondary boycotting. He talked to Bill Kircher, then the head of the AFL-CIO organizing department, who helped us create a new union, The United Peanut Shelling Workers of America. The nine covered employees joined that union, and we were free to secondary boycott. This addition to the Union’s economic power later proved to be important when we embarked on the boycott of table grapes. It is ironic that farm workers denied the protections of the federal law were able to generate economic power because they could engage in secondary boycotting, an unintended consequence of their exclusion.

Later in the spring of 1967 Gil Padilla led a melon strike in the Rio Grande Valley of Texas. The Texas Rangers responded violently, beating many strikers and fracturing the skull of Magdaleno Dimas, who had allegedly shot a Chachalaca bird out of season. An attorney who had come to Rio Grande City to help the Union was feeling the pressure and getting high on peyote. What was needed was documentation of the violence and a federal civil rights suit to try to enjoin the Rangers. I went to help get declarations and to find lawyers admitted to the Texas bar who would sue the Texas Rangers.

An ACLU lawyer named Fred Weldon helped, and when we had the facts, we flew to Houston to meet with United Auto Workers counsel Chris Dixie, who had agreed to handle the case. On the way in from the airport I asked the taxi driver a rather innocent question: How many people live in Houston?" He answered, "Well, it depends. It's one thing at night and another during the day because about 500,000 niggers wash our clothes and floors and then skedaddle at night. At this point Weldon leaned forward and responded, "Well, boy, and what do we have here at night -- whores, pimps and taxi-cab drivers?"

Obtaining justice in such a racially charged atmosphere seemed impossible.

The suit was filed, and years later the United States Supreme Court in *Allee v. Medranos* said that an injunction against Ranger violence was proper. Not exactly timely relief but helpful for future battles. Periodically I would call Chris Dixie, and he would respond, "These things take time, Jerry."

The Union, however, did not have time. When I called Cesar and told him the process would take a while and that the workers were frustrated and wanted to take matters into their own hands, he decided to fly, to Texas. When he arrived, he told people not to respond to the Rangers' violence with violence but to give him a chance to resolve the problem nonviolently. He said, "We'll teach these bastards the power of prayer."

The scene was right out of a western, names and all. In the afternoon around four o'clock the Rangers would leave the Ringold Hotel and walk across a dusty street to the Catfish Inn. On

one such afternoon women related to Magdaleno Dimas were in front of the hotel on their knees dressed in black, praying for the Rangers' souls. TV cameras caught this image, and within a few days Governor Connelly had pulled the Rangers out.

Meanwhile in Kern County, California, the Union decided to strike the world's largest table grape grower, the Giumarra Vineyards Corporation. The strike began on August 3, 1967, after months of careful preparation led by Fred Ross Sr. working with a very talented organizing crew which included Marcos Muñoz, Jessica Govea, Eliseo Medina, and Marshall Ganz to name but a few. These folks who cut their teeth on the Giumarra picket line were later instrumental in the success of the grape boycott. Fred met with the organizers daily for crew by crew reports. Giumarra had over fifty crews working in vineyards which totaled 12,000 acres. The strike was initially successful but, like all agricultural strikes in rural California was deflated when a large influx of workers from Mexico crossed the picket line. The Kern County Superior Court issued an injunction restricting picketing activities allowing one picket per hundred feet and three on each side of an entrance. Most importantly the preliminary injunction banned the use of bullhorns, the only means of communicating with workers in the vineyards.

I went to the appellate court in Fresno with a writ and a constitutional argument against the bullhorn ban. A kindly white-haired judge named Conley told me that I had a good argument but had filed the wrong writ, a Writ of Supersedeas. It should have been a Writ of Prohibition, which literally would prohibit the Kern County Superior Court from enforcing an unconstitutional order.

I went back to the kitchen and wrote up a Writ of Prohibition. Second time around Justice Conley issued the writ, giving us back our bullhorns. Excited, I drove back to Delano, and when I told Cesar he exploded with "Goddamit, I was going to violate the goddamn injunction and go to jail." He hadn't clued me in because he thought I would never win. I told him that maybe he should have let me in on his civil disobedience plans because, believe it or not, once in a while I was bound to win something. He laughed after cooling down, and from that time we did not have a problem with communication.

After Cesar abruptly entered Kern County, anti-union groups nurtured by the green thumb of agribusiness sprouted. This strategy was a response to the slowly mounting pressure of the grape boycott. First came the MOTHERS AGAINST CHAVEZ, then the AGRICULTURAL WORKERS FREEDOM TO WORK ASSOCIATION. We discovered that AFWFA was funded in part by grape growers such as Giumarra and Jack Pandol and that they were filling up at Giumarra's gas pump. California law prohibited employer sponsorship of "unions." AFWFA was a first crude attempt at a company union, a role which the Teamsters later filled admirably.

AWFWA was born during a meeting attended by various grape growers at Sambo's Restaurant in Bakersfield in May 1968. AFWFA's purpose was to oppose AFL-CIO efforts to organize and boycott. Money was funneled to AFWFA through a group called MADRA, which (believe it or not) stood for "Mexican American Democrats for Republican Action." One such action was a nationwide tour by Jose Mendoza, the general secretary, to denounce Chavez and the grape boycott. Mendoza was honored at a National Right to Work banquet and given an award by Senator Everett Dirksen.

After scabs had crossed the picket line at Giumarra and had weakened the strike, we started a boycott of Giumarra Grapes. ARRA was the targeted label. But soon other growers came to the rescue, and their labels showed up in Giumarra's fields. The Union's response was basically "What the hell? If that's the way they want to play it, we will boycott the whole damn industry." Cesar met with the organizers and sent them to all the major cities. For example, Eliseo Medina went to Chicago, Marcos Muñoz to Boston, Marshall Ganz and Jessica Govea to Toronto. This time when Cesar said we'll learn how to do this together, he meant it. Few of the boycotters had ever left the central valley. They went with no experience but with a lot of wit and guts. But learning how to pressure stores and build relationships with Labor, consumers, and both religious and political allies was a gradual process.

To mount an effective boycott takes patience. Building coalitions is time-consuming, meticulous work which varies from city to city depending on the personalities involved. Success depended upon uniting disparate elements into a coalition which could agree on the simple act of boycotting grapes and the slightly more complicated act of not shopping at stores which sold

scab grapes. Often crucial elements of the coalition disagreed about other fundamental issues. For example, most of our supporters opposed the Vietnam War. Many in Labor from George Meany to some of his hardhat, hardheaded followers supported it. The trick was to get them to ignore their basic differences and come together to help farm workers in the struggle for union recognition. Cesar was a master politician and was able to inspire people by convincing them that in this case the cliché that an individual can make a difference was a reality and that therefore rallying around the common denominator of the grape boycott was important enough to work together despite other basic disagreements.

Slowly in city after city the necessary economic power was emerging as farm workers told their stories to people ever more willing to help by boycotting grapes, putting up signs, wearing buttons, displaying bumper stickers, writing letters, passing resolutions, talking to store managers, hosting fund raisers, and picketing stores.

However, back in the central valley there was no visible sign that the boycott was working during the long winter of 1967-68. What had started with enthusiasm in the fall of 1967 seemed to be futile to some locked in the fogbound valley where it's hard to see very far. Some talked about short cuts -- violence as a response to injustice. Cesar was a strong advocate of nonviolence and argued with passion that under no circumstances was violence justified. To engage in violence was morally wrong and simply reduced one to the level of his thuggish opponents. Cesar put his leadership on the line over this issue. I watched while Cesar argued two points with macho farm workers. First, violence was morally wrong. Second, it was stupid and counterproductive. The boycott was premised on developing public support, and violence would undercut that necessary support. The other side had more weapons. As he put it, if your enemy has a machine gun and you have a cap gun, you lose. Many were skeptical and simply glazed over, ignoring the argument. To some these arguments seemed gutless. No *huevos*.

Finally, in a gamble which he knew would make or break the Union Cesar walked out to the Forty Acres, the Union's property on the outskirts of Delano, and started to fast.

His goal was to force people to confront the fact that he was committed to nonviolence both as a moral and a practical matter. This was a debate which was to define the Union both for the members and staff and the public at large. The reaction was profound and immediate. Some felt uncomfortable. For instance, Secretary Treasurer Tony Orendain could not even look at Cesar during meetings at his bedside as he grew weaker. Orendain turned his chair away and his back towards Cesar. Years later he claimed to an historian that the fast was a fraud. This view was shared by many of the anti-union bigots who lurked in Kern County.

Ironically this view was fueled by Cesar's cousin Manuel, who would jokingly tell nuns who came to visit, "You can't come in now, sister; he's eating." This deliberate undercutting of the serious nature of what Cesar was doing kept everything in perspective but was not understood by our adversaries for whom irony did not exist.

On the thirteenth day of the fast Cesar was hauled into Kern County Superior Court, charged with contempt of the Giumarra anti picketing injunction. Three thousand farm workers stood outside the building and lined the halls of the courthouse in a silent prayer vigil. Giumarra's attorney Bill Quinlan argued to Presiding Judge Walter Osborne in chambers that the workers should be removed. I made the constitutional arguments that they should be allowed to stay, but the pressure of the fast and the presence of the workers and not the constitutional arguments won the day. Judge Osborne said, "Look, Bill, if I kick these workers out of this building, it will be one more example of goddamn gringo justice."

Before that day I had viewed this court as enemy territory. I used to get nervous before making arguments which usually fell on deaf ears. I took solace from the fact that Bill Russell used to throw up before Celtic games. He argued that if you weren't nervous, you weren't worth a damn. After the fast that courthouse turf seemed more like home turf. The contempt case was continued, and Guimarra eventually dismissed it. I have a lasting image from that day in court. While going up the escalator to the hearing on the second floor, Cesar stumbled. I was on his right supporting him and when he stumbled, I asked him if he was all right. We were approaching the second floor, and to Cesar's left was a bank of press cameras. He responded by winking at me with his right eye. Even though he was spending himself, he was well aware of

the organizational impact of the fast. He hadn't lost his sense of humor or grown full of himself despite the national attention the fast was attracting. A complicated man and event.

This fast defined Cesar as a unique labor leader. Chris Hartmire, Director of the Migrant Ministry, and LeRoy Chatfield helped him to explain the meaning of the fast which in turn enabled Chris to organize religious support for the boycott. Cesar was the only labor leader who studied Gandhi and King. Can you imagine George Meany fasting? This was Cesar at his best.

The fast not only forced a debate on nonviolence but also provided the glue which helped unite various ranch committees into a cohesive whole. At that point we had nine wine contracts, and each ranch was understandingly preoccupied with learning how to enforce its own collective bargaining agreement. The courthouse demonstration brought all the various ranches together in an emotional common cause. The fast also put the union on the map. Robert Kennedy came with his aide Peter Edelman to join Cesar when he ended the fast.

Cesar had started fasting on Wednesday, February 14th, and he announced it publicly on the following Monday in a meeting of Union members, their families, and supporters in Filipino Hall in Delano. On Friday the 16th LeRoy Chatfield told me that Cesar had not eaten on Wednesday, and I knew he hadn't eaten Thursday. We thought he might be starting a fast.

Marshall Ganz, LeRoy, and I met in LeRoy's office because we didn't think that Cesar was in very good shape, having worked too hard without much sleep in recent days. We decided to talk to James McKnight, the Union's doctor, whose initial response was the helpful "fact" that Gandhi had once fasted for seventy days which was of course nonsense. We cleared up that misunderstanding, and the doctor agreed to advise Cesar of the medical consequences of fasting.

I suggested to LeRoy and Marshall that there were two ways to prevent Cesar from fasting. First, we could all stop working until he started eating, and second, the three of us could approach Cesar privately and tell him that we wouldn't eat until he started eating. We decided

to use the weekend to think it over. I spent the weekend preparing for a hearing in Kern County Superior Court set for Monday, February 19th, at 9:30 a.m.

Early Monday morning Cesar scheduled a meeting for 10 a.m. in Delano's Filipino Hall for everyone to attend. When LeRoy told him that I had a 9:30 hearing, Cesar postponed the meeting until noon. We thought that the subject of the meeting would be violence and that Cesar would announce his fast. The week before, Cesar and LeRoy had gone to the Giumarra Packing Shed in Edison to solicit service of a contempt citation prepared by Giumarra's attorney, Bill Quinlan, which alleged various violations of the injunction inhibiting picketing, including instances of throwing rocks and dirt clods at scabs. Manuel Chavez, Cesar's cousin, drove Cesar to Filipino Hall. Before the meeting started, he came up to me and said, "Cesar will need your help on this one." Cesar sat up on the stage at a table, writing notes on a yellow piece of paper. He said he had an announcement to make which would probably make people feel sad or angry but which really should make them feel happy.

He began by saying that the Union was at a crossroads and that our movement was based on the principle of nonviolence and that he was tired of hiding that principle in the closet and trotting it out when needed as a political or fundraising tool. When the Union began, nonviolence was at the core, but people had begun to resort to short cuts on the picket line. He understood the frustration, but violence could be justified only on the assumption that human life was cheap, and he was not going to argue his position on this with anyone anymore. In this context he asked how, for instance, people could be opposed to the killing in Vietnam but in favor of riots in the cities. If there were people in the Union who supported riots or violence on the picket line, they should leave. He said again that he could not understand how many people could be against the killing in Vietnam and yet be in favor of riots in our cities.

He thought that perhaps he was at fault for implicitly condoning minor acts of violence on the picket line such as the throwing of dirt clods. He said no one should assume that such acts or that riots in the cities were inevitable. Anyone involved in organizing the poor had to take responsibility for whatever might happen. He thought that many civil rights leaders were responsible for not giving the poor the guidance and leadership they needed after raising their

hopes and aspirations. Nothing was more dangerous than raising the level of hope and then not fulfilling that hope.

He said that in the Giumarra strike the Union did not have clean hands, that the contempt citation was critical, and that after he finished talking, I would explain that contempt citation. He said that no matter what was said by anyone, he had started this movement and was therefore responsible for any violence that grew from it. He repeated his plea made at the time the Giumarra packing shed had burned down. If people in the Union had done this, they should understand that they were hurting the cause and should turn themselves in, and the Union would provide them legal help. If any supporters had done this, they should realize that such actions jeopardized the life of the Union. If by any chance Giumarra or any grower or grower ally was committing arson to frame the Union, he should realize that such actions would not stop the movement. Nothing would stop our movement.

He then retraced his steps rhetorically to drive home his point. Again many people did not understand the importance of nonviolence. He himself felt responsible and guilty for any violence that may have gone on, and he was going to rededicate himself to nonviolence in the most meaningful way. He repeated that he had not eaten for five days and that he was going to continue his fast for nonviolence. He realized that many people might disagree with him but that this was a private religious matter and that no one was to argue the point with him. He said he was going to stay at the gas station at the Forty Acres for as long as he fasted because he wanted to be away from the office and his house to think. Finally, he stated that this was a fast and not a hunger strike. To him a fast was a form of prayer. "A hunger strike would be if some of you decided you were not going to eat until I started eating. I would be ashamed to do such a thing." Hunger strikes were designed to put pressure on somebody and were wrong. This fast was no designed to pressure anybody and was a chance rather to examine our commitment to nonviolence. He then walked slowly off the stage and out to the Forty Acres, followed by his wife Helen and organizer Robert Bustos.

Vice President Larry Itliong took the mike and said he found it very hard to talk at a time like this. While he had always followed Brother Cesar, he had to disagree this time because

Union business had to go on. He suggested a petition pledging nonviolence in an effort to head off the fast. Manuel then said that Cesar was a stubborn Indian and no one was going to change his mind, that we were missing the boat, and that our role was to figure out how to help him. Father John Duggan thought the fast was asinine. While we were here in Filipino Hall, the phone was ringing over at the pink house and envelopes needed stamps put on them. We should get back to work. Manuel jumped in the fray, saying, “Goddamit, we’re all missing the boat again. He didn’t say he was dying; he’s fasting. He will still be working, seeing people at the Forty Acres, and making decisions. After Manuel spoke, I reported on the seriousness of the contempt citation and possible hearing.

Father Mark Day announced that as long as the fast continued, masses would be held every night at the Forty Acres. The fast, though informed by religion, became an extraordinary organizing tool. Marshall Ganz visited ranches to the north and spread the word. Manuel went south, and Robert Bustos and Pete Cardenas talked to workers near Delano. They all organized people to come to the nightly masses and to join the vigil at the Kern County Courthouse when Cesar was hauled in on the contempt citation.

The ranch committees worked together for the first time, planning the courthouse vigil, and in effect nine separate contract ranches were organized into one union. Those who worried that “work” would suffer were dead wrong. More organizing was done during the fast than at any time up to the passage of the California Agricultural Labor Relations Act of 1975.

The dual nature of the fast and the inherent contradictions between a religious event and an organizing tool were reflected in some inconsistent comments that Cesar made to end his announcement. First, he said that his act was to remain private and not go beyond the people in the room. Even though he knew that not all those present in the room were Union members, he was an astute enough observer of people to know that the fast would be one hot topic of conversation and debate. He then reversed field and said that if the fast did become public, it was not to be used as a tool to pressure any pending negotiations. Finally, he urged everyone to keep working. He said he was going to continue working and making decisions even though he also said he was going out to the Forty Acres to be away from the office.

Early in the fast Cesar said, “There are a lot of balls bouncing on this one. Keep your eye on the red ball.” He was interested in the fact that many doctrinaire leftists and others who would organize the poor were so anti religious. He thought that in order to organize poor people, one had to at least try to understand their religion and work with it.

Historians looking back at the fast may easily underestimate what a gamble it was and what impact it had. Cesar was fighting for control of the Union. Some who disagreed with the policy of nonviolence left shortly after the fast. Cesar spent himself like coin in an effort to cement nonviolence into the Union’s foundation. When the fast ended, Robert Kennedy joined Cesar and about 10,000 farm workers in Delano’s Memorial Park. The fast had put the Union on the map and was instrumental in forging the coalition of religious groups and Labor which led to the success of the grape boycott. On a personal note, from the day of the courthouse demonstration that court no longer seemed like enemy territory.

The fast cemented our relationship with Kennedy and Edelman. They were helpful political allies who listened and responded to our priorities. Many friends in Washington thought it was in the best interests of farm workers to be covered by the National Labor Relations Act. Remember that agricultural laborers and domestics had been excluded from the protections of the Wagner Act when it passed in 1935. Again, it is interesting to compare our labor relations history with South Africa’s. There blacks were specifically excluded from industrial relations protections. Here we were more subtle, but most excluded domestics and agricultural workers were minorities, so the effect was the same.

We were not sure that NLRA coverage was the solution. First, since the National Labor Relations Act was amended in 1947 by the Taft-Hartley Act, it banned secondary boycotting which severely limited the power of boycotting. Second, elections under the NLRA take time so that seasonal workers and migrants would probably have to wait at least a year to get to an election. Third, the NLRA included craft units and we wanted an industrial unit. For example, under the craft unit approach different groups of the work force, such as truck drivers, tractor drivers, irrigators, could be in different units from weeders, hoers, and pickers. Under an

industrial unit approach all the grower's workers would be in one unit and have an opportunity to move to the more skilled, higher paying jobs. For example, a picker could aspire to drive a tractor or a truck. Given the racism of some growers, the craft unit approach could relegate Mexicans, Filipinos and other minorities to the harder, lower paying jobs. Therefore, craft units would create legislatively mandated ghettos in the fields. We did not want our allies to push for NLRA coverage.

What we did want was help preventing workers both legal and illegal from breaking our strikes. At that time if the Labor Department certified a strike, green carders could not work behind our picket lines. Kennedy agreed to help us get the Labor Department to hold hearings to obtain strike certifications. Since he was going to run for president, this was a tough decision for him because it would not be universally understood or accepted in the Chicano community. After the strike certification hearings, the Immigration Service conducted a sweep of the Giumarra fields.

Under Cesar's leadership, the UFW position on immigration was simple: We needed to protect our strikes and didn't want documented or undocumented workers crossing our picket lines to work as scabs. Both Union members and strike breakers came from many backgrounds: Mexican, Chicano, white, Filipino, African American.... Ethnicity was not the criterion by which a worker was judged. Therefore, we tried to get the laws and regulations enforced. We did not define ourselves in terms of race. We were building a union of farm workers. We knew the difference between racial pride and the tawdry politics of race.

In addition to the struggle in the fields the grape boycott continued. The issue of pesticide use and its effects on farm workers and consumers became part of the boycott story.

When George Murphy, the grade B movie actor, became a U.S. senator from California, Tom Lehrer wrote, "At last we've got a senator who can really sing and dance." To the tune of agribusiness, he might have added.

In 1969 Senator Walter Mondale conducted a series of committee hearings on migrant farm workers. Pesticides became a focal issue during these hearings. I asked our Washington, D.C., boycotters to buy some table grapes, find out what lab Safeway used to test their grapes for pesticides; and have the grapes tested. Luckily the test results showed up in time for my testimony, and I submitted them to the committee. They revealed that illegal levels of the chlorinated hydrocarbon, aldrin, were present on the grapes. Bianco, the grower whose grapes had been tested, claimed he had not used aldrin. Senator Murphy went to the floor of the Senate and dutifully charged that the UFW had engaged in deceit. The headline in the fair and balanced Delano Record read in bold type MURPHY SLAPS UFWOC; CHARGES DECEIT. The bullet above the article read CHARGES UFWOC USES FALSE EVIDENCE IN U.S. SENATE TESTIMONY. Murphy said that when I submitted the report, I was engaging in a “rule or ruin” strategy. The charges got play all around the country.

Senator Mondale and his aide Boron Chertkov knew we hadn’t done anything wrong. Cesar was delighted with Murphy’s attack because you can’t fight with yourself in public, but if a senator attacks, you have a national story and the focus of that story was pesticides. This gave the boycott a shot in the arm. Mondale’s staff investigated and discovered that the method of testing used, a gas chromatograph, did not discriminate between aldrin and sulfur which Bianco had used, and the footprint on the graph read by the lab as aldrin was in fact sulfur.

We got another bite at the apple when Mondale scheduled another hearing to reveal the facts and clear up Murphy’s charge. After this second hearing the headline in the Los Angeles Times read “Murphy Retracts Accusations Against Union on Pesticides.

At that hearing Mondale said, “I think it is abundantly clear that the union took an honest sample, took it to an honest laboratory, and came up with an honest report.” Murphy then admitted that he was mistaken.

Murphy’s retraction enabled the boycotters to say that even if a store tests the grapes, a consumer really couldn’t know what chemicals he was eating. Even Safeway’s lab could not tell the difference between aldrin and sulfur. Our adversary, John Giumarra Jr., agreed with this

boycott story when he testified that lab analyses of pesticides are difficult to interpret because aldrin's characteristics are almost identical to those of sulfur. (To say nothing of the fact that many consumers did not want to eat sulfur.)

Murphy was a better tap dancer than senator; he provided boycotters with a story which increased the effectiveness of the boycott, an unintended consequence of his charges.

During my testimony I submitted an article from a Mexican newspaper which reported that cannibals were averse to eating people whose fatty tissue contained too much pesticide residue. We had become unfit for human consumption! We were at our most dangerous when we were laughing loudest.

In the spring of 1970 the boycott had taken hold and the growers in the Coachella Valley, where the annual grape harvest begins, came to the table to bargain. Lionel Steinberg of David Freedman and Company was the first to sign, and when we were in the final stages of the talks he gave a condescending lecture to the workers about their duty to pack grapes neatly because they were now getting \$1.75 an hour. Fred Abad, a crew leader, had packed grapes all of his adult life and didn't need a lecture on how to do it. He was a quiet dignified man who didn't say much in any situation. But during Steinberg's lecture he left the table and walked to a bathroom at the back of the room and leaving the door open, urinated loudly. It was an eloquent statement.

Once the Union had signed a few contracts, the boycott noose tightened. The price for Union grapes rose. Scab grapes did not sell. I went for a tour of the Tenneco cold storage shed in Thermal and saw scab grapes stacked high.

One grower, Henry Ryder, told me he wanted to sign a contract. I asked him if he wanted me to go over the contract clauses with him, and he said, "Cohen, I ain't no legal asshole. I just want that Union label so that I can sell my grapes." The Union label was a black eagle on a red background. Growers wanted that the black bird. It reminded me of the Maltese Falcon.

The harvest moves north from the Coachella Valley to the southern San Joaquin in early July and August. We signed more contracts as the harvest progressed, but the heart of the industry, the Delano growers, showed no interest in negotiating.

Then on Saturday night, July 25th, I got a call from John Giumarra Jr., who told me he was going to be going on a trip to attack the Union, but before he went he and a member of his family wanted to talk to Cesar and me. I told him. Cesar was out of town but would be back later that night. John said he would call back, which he did. He wanted to meet that night or early the next morning. When Cesar returned, we arranged to meet at 2:30 a.m. in room 44 of the Stardust Motel in Delano.

Giumarra was the biggest fish of all, and Cesar and I were both anxious to force the issue and demand that the whole Delano bunch join Giumarra in any talks. A bit nervously we decided while driving to the motel to tell Giumarra to round up the whole Delano industry, figuring if there was enough boycott pressure on Giumarra, then there must be enough pressure both on them and all the others to settle with them all at once. We told Giumarra to round up all the Delano growers or we would not proceed.

At the meeting John Giumarra Sr. said, "You must love us a lot because you've paid so much attention to us. This little Sicilian has given you a hell of a fight, but it's time to talk." He had two main issues: He wanted assurance that the hiring hall would work, and he did not want the contract to cover his potatoes or citrus. Since we had organized only in the grapes, excluding those crops was not a stumbling block. The next day Giumarra had rounded up all the Delano growers, and by July 29th we had signed one contract covering twenty-nine growers. But we did not have time to celebrate this stunning victory. Hearing that the Teamsters and the vegetable growers were negotiating, Bill Kircher and Cesar immediately took off for the Salinas Valley, the heart of the vegetable industry. Our Delano celebration was short lived because in reaction to the grape victory, the vegetable industry signed a sweetheart contract with the Teamsters Union. The vegetable industry incorrectly had assumed we were going to organize them next. The Teamster contracts were a ploy to avoid dealing with the UFW.

The vegetable sweetheart deal gave the workers a whopping one half cent increase per year for five years on the piece rate for picking lettuce. This insult, plus the fact that workers were being treated as chattel by a cynical union, organized the workers for us, and a general agricultural strike hit the Salinas Valley. The growers brought down upon themselves exactly what they thought were avoiding. Ironic, isn't it? While the vegetable strike resulted in a few contracts in Salinas and the Imperial Valley, the price of fighting the Teamsters was costly. The Union had just settled with the bulk of the grape industry, and the talent needed to properly administer and enforce those contracts was now fighting the Teamsters. My recollection is that we left Cesar's brother Richard almost alone in Delano to administer those contracts. This diversion created a mess which would later come back to haunt us. Spread too thin, the UFW could not properly administer the grape contracts or run the hiring hall efficiently.

In addition, the boycott was both a blessing and a curse. It created the economic pressure which caused the grape industry to capitulate, but that capitulation was not based on pressure from an organized work force. Remember Henry Ryder, for example. He just wanted that black bird to sell his grapes. Had we not been diverted, the contracts themselves could have provided the tools to organize the workers. Had we been able to administer the hiring hall effectively, the growers would have had less incentive to sign contracts with the Teamsters when the UFW grape contracts expired in 1973.

One constant in the struggle to build a farm workers union in rural California was the obedient manner in which many county officials, some of whom suffered from minds pocked with spots of provincial prejudice, catered to the moneyed might of agribusiness. Among the most subservient in serving as tools of the growers were officials in Kern County. It was there that a judge named Ferguson issued an unconstitutional order prohibiting the use of bullhorns to communicate from the picket line to workers in the vineyards. It was there in 1968 that the Agricultural Commissioner, C. Seldon Morley, in connivance with a pesticide applicator and the Kern County Superior Court, denied us the right to look at public records relating to the use of pesticides.

During that summer of 1968 farm workers came to visit the legal office complaining of symptoms varying from eye irritations and rashes to dizziness, nausea, vomiting, and double vision after having been in contact with sprays and dust. In order to find out what material were being used, I visited Kern County Agricultural Commissioner Morley on the morning of August 2nd. I was told by Morley to return to his office on the following day. I was interested in seeing two types of records: permits to use injurious materials and the reports of commercial spray applicators on how the materials were used, under what wind and weather conditions, in what quantity, at what strength, where and when.

I left the commissioner's office at around 11:30 in the morning. At 1:34 in the afternoon Atwood Aviation, a pesticide applicator, obtained a temporary restraining order issued by the Kern County Superior Court, preventing me from viewing the records of any commercial spray applicators. It was in Kern County as well that farm workers justifiably perceived that the sheriff's department was acting in effect as a private army for the growers. They also had no faith in the District Attorney's office.

But for most wrongs there are remedies. An appellate court overturned the order banning bullhorns. Not surprisingly an appellate court ruled that the public has the right to see public records relating to the use of pesticides. The behavior of the sheriff's deputies was documented in the film 'Fighting for Our Lives,' which was nominated for an Oscar and which helped generate the public support we needed to negotiate the Agricultural Labor Relations Act, a major legislative victory. The California Supreme Court ruled that partisan District Attorneys could not prosecute civil contempt cases on behalf of growers who had obtained injunctions against picketing. The Court also ruled that minorities were entitled to challenge discriminatory criminal prosecutions.

In Kern County during August 1973 there was an open season on farm workers as Teamster goons and sheriff's deputies engaged in repeated acts of violence documented in declarations now housed in the Amherst archives and in "Fighting for Our Lives." Two farm workers were killed within a two day period. No one was ever brought to justice for these killings. Farm workers knew at the time of the killings that the kind of justice meted out by the

sheriffs and the District Attorney would provide no remedy. As Cesar told author Jacques Levy, “Al Leddy, the Kern County DA, totally disregarded his responsibilities as a law enforcement officer. Although deputies arrested twenty-nine Teamsters, Leddy dropped charges on all but one, and he eventually got off, too.” Maintaining nonviolent discipline in an atmosphere of lawlessness is extremely difficult. After the killings, Cesar channeled the anger and frustration of the workers into the making of black flags, candlelight vigils, marches, prayer, fasting, and well organized memorial services.

The Union leadership thus stepped into the void created by the unwillingness of local officials to enforce the law fairly. Shamefully, on August 17, two days after Nagi Daifulla was hit on the head and killed by a sheriff’s deputy and on the day that Juan De La Cruz was shot dead on the picket line, District Attorney Leddy dutifully scuttled to the press with grower propaganda, stating that Daifullah, “over whom Chavez is to spend three days praying and fasting,” was working at a ranch and had informed his boss that he was a Teamster spy.

Cesar knew the anger at the deaths would be intensified by this Leddy statement and made the argument that while people like the sheriff’s deputies and the District Attorney served as tools of the growers in Kern County, they would ultimately become the tools of the Union as we made our case with the public and in the state legislature to remedy injustice.

This past fall my wife Madeleine and I visited the Hector Peterson Museum in Soweto, South Africa. Peterson, only thirteen years old, had been shot dead while marching with other students to protest the mandatory teaching of Afrikaans. There is a picture on the wall in the museum of a young man carrying Peterson’s body. Walking next to them is Peterson’s sobbing sister, Antoinette. She is now a guide in the museum and we had lunch with her. I asked her if the person who shot her brother was ever brought to justice. Her remarkable response was that while her family would never forget, they forgave the killer. When South Africans engaged in the process known as “Truth and Reconciliation,” the family decided not to pursue the killer. She said that real justice was done when the museum commemorating the student protest was built.

The Peterson family response is unique. In 1973 farm workers were in a mood neither to forget nor forgive. The hard won grape contracts had been stolen by the Teamsters. This coup was engineered by the Nixon White House acting through hatchet man Charles Colson (before he went to jail and found Jesus). Colson had arranged a speech which Teamster President Frank Fitzsimmons gave to the Farm Bureau, beginning a chain of events which led to the signing of the Teamster grape contracts, as the UFW contracts expired. Colson was aware that this would happen. He had written memos to the Justice and Labor Departments, noting that Nixon had taken a personal interest in the UFW/Teamster dispute and that “only if you can find some way to work against the Chavez union, should you take any action.” His second memo is more revealing. “We will be criticized if this thing gets out of hand and there is violence, but we must stick to our position. The Teamsters Union is now organizing in the area and will probably sign up most of the grape growers this coming spring, and they will need our support against the UFW.” Jack London thought that the lowest form of life was the scab. As Colson’s memos reveal, scabs have plenty of company in this niche.

In response to this coup and subsequent violence against farm workers, the UFW leadership had to convince workers not to take matters into their own hands or to retaliate, that ultimately justice would be done when the stories of the deaths of Juan and Nagi were used to develop the public support needed to win for farm workers in California the same legal protection that other workers enjoyed. “Don’t mourn; organize” became mourn nonviolently and organize. The UFW leadership was at its best when dealing with the worst of situations. More than 3,500 farm workers went to jail in 1973; the vast majority (at least 3,300) for violating unconstitutional orders. This nonviolent civil disobedience put pressure on the rural counties in which the arrests took place. In California under the doctrine of *In Re Berry* an unconstitutional order can be tested by violating it. This case gave the farm worker’s movement an advantage not shared by the civil rights movement which had to test unconstitutional orders by using the writ process. (Those interested should read a federal case called *Walker v. Birmingham*.)

These arrests came into play in 1975, when we negotiated the ALRA. County administrators who wanted an orderly procedure to resolve labor disputes in the fields supported

passage of the act. The arrests also came into play again when I argued before the California Supreme Court a case called Buak which established that when an order affects free speech, it cannot be issued without notice to the party whose free speech rights are being affected. The rights affected adversely by the 1973 orders were the rights to picket and to visit workers in camps, both now protected by the Buak decision. Both passage of the law and the remedy granted in Buak took time. It is a testimony to the Union leaders that they were able to convince people that eventually the process would work and that justice would be done.

When the Teamsters stole the grape contracts in 1973, the needed remedy was clear: legislation granting farm workers the rights enjoyed by other workers. We knew that if farm workers could win the right to vote for the union of their choice, the UFW would prevail.

The details of the legislative battle that led to passage of the California Agricultural Labor Relations Act of 1975 are spelled out in an extensive 125 page oral interview with UFW attorneys Sandy Nathan., Tony Gaenslen, and me by author Jacques Levy conducted in June 1975 in the midst of the battle. A copy is now housed at Amherst and can be read by those interested.

Looking back at this period, I find it clear that the events, tactics, and strategies discussed in June 1975, while interesting, may obscure certain essential truths about this stunning legislative victory. The Union when in full fight was like water running downhill. Without, the constant pressure brought about by some of the best organizers in the country the law would not have passed. I was able to help craft and then negotiate the details of the law with Governor Jerry Brown because of the pressures generated by ten years of organizational strife. Thousands of farm workers took responsibility for bettering their lives by striking, picketing, boycotting, and engaging in civil disobedience to fill rural California jails. When they struck, picketed, boycotted, and went to jail, they dealt me a strong hand which I simply played out. The coalition of forces which came together to support the law was extraordinary: growers sick of strikes, stores tired of boycott picket lines, and county officials who no longer wanted their jails filled with farm workers.

The resulting labor law is quite simply the best labor law in America. It provides for elections within seven days of filing a petition signed by fifty percent of the relevant workforce, immediate work site access to farm workers, an “industrial unit” in which all farm workers vote together and a make whole remedy which gives workers back pay as a result of a grower’s failure to bargain in good faith -- elements for which most unions would gladly give their eye-teeth.

But the law is only a tool which must be used by good organizers and self-reliant workers. The passage of the ALRA at a time when the UFW had a corps of great organizers, resulted in the most extraordinary explosion of elections in U.S. labor history. Over 400 elections were held within months of passage. The UFW won the majority of these elections, and all the UFW victories were challenged legally. But at that time the UFW also had some of the best labor lawyers in the country, and they successfully defended those victories. I had a good eye for legal talent and was able to recruit a fine group of lawyers, tough-minded smart people who had become lawyers to pursue justice not money. They did an incredible amount of fine work, thus freeing me to negotiate contracts and the Teamster Pact, administer the legal department, and handle a few appellate cases in the U.S. and California Supreme Courts.

The organizational and legal pressure created by the new legal landscape caused the Teamsters to reevaluate their position, and they hired an attorney named Jack Ormes, who had not been involved in the jurisdictional disputes, to try to negotiate a pact which would cause the Teamsters to leave the fields in exchange for our dropping various lawsuits which we had filed. He flew to Salinas some nineteen times in his private plane, to negotiate with me. UFW attorney George Lazar and I then drafted a jurisdictional pact which was signed on March 10, 1977. Simply put, we dropped legal actions and the Teamsters left the fields.

Power is often generated in surprising ways. UFW attorney Bill Carder, alone at night in the Salinas Courthouse Library, generated power with a pencil on a legal yellow pad. He crafted an intricate anti-trust suit against the Teamsters and the vegetable industry, challenging the sweetheart contracts which the Teamsters had signed in 1970. To do this, he had to navigate around some treacherous legal shoals. When a federal court ruled that he had created a valid

cause of action, the pressure on the Teamsters mounted, and this was the suit which most concerned them.

On March 11, 1977, the Union was at the height of its organizing potential. The Teamsters no longer lurked on our flank. Because of the election mandated by the ALRA, sweetheart deals were a thing of the past. The field was clear, and I remember feeling that nothing could stop us. We had generated enough power to win contracts and the law, beating a strong coalition of forces: agribusiness, a multibillion dollar industry; the Teamsters; various recalcitrant small-minded local officials; and powerful enemies in high places. Remember, the Union thrived under the hostile administrations of Richard Nixon and Ronald Reagan.

But there were internal strains and tensions within the Union which slowed us down. We were not able to resolve our internal differences. Looking back, I find it ironic that we could negotiate contracts with growers, pacts with Teamsters, and a law with agribusiness, but we could not settle our internal disputes.

Every institution experiences internal stresses, but I believe that the UFW's stresses were exacerbated by the fact that two distinct cultures grew in the two different loci of power. Cesar had moved the Union's headquarters from Delano, the heart of the grape industry, to a little town called Keene in the hills east of Bakersfield. He purchased an abandoned tuberculosis sanitarium and renamed it La Paz. Here he was intent upon building a strong committed community.

One unintended consequence of the Teamster Pact was that by removing competition in the fields, it allowed Cesar to concentrate on building his community. The legal department had moved from Delano to La Paz in 1972. While isolated, the community included interesting people whose company my family enjoyed. In addition, given the violence in Kern County during the following year, I was glad that my wife and children were living in La Paz because I thought it was safe.

However, I wanted to be closer to Sacramento because I knew I would be negotiating the terms of our proposed law, and I wanted to handle the lawsuits against the Teamsters. Consequently, in 1974 I told Cesar that I wanted to move to Salinas, the heart of the vegetable industry. I offered to resign as General Counsel, for I thought he was entitled to have his General Counsel at the Union headquarters. Cesar responded that he wanted me to continue in this position, saying that I should move the whole legal department to Salinas.

This move changed my point of view. The community at La Paz was very different from the Union in Salinas which served workers with a unique history. Vegetables are highly perishable, making the growers particularly vulnerable at harvest time, thus giving vegetable workers the economic power to engage in successful harvest strikes. Having a long history of winning wildcat strikes, the Salinas workers had a strong sense of their negotiating strength and saw the Union as a vehicle to improve their lives.

Many of us who worked closely with the vegetable workers had joined the cause during the credulous season of our youth. In Salinas members of the legal department and organizers such as Jessica Govea and Marshall Ganz all grew in our understanding of what a union could be. Cesar made the valid point that our perspective was changing and would be different if we returned to La Paz. He was right, but we believed that the Salinas perspective was healthier.

These different points of view fueled two important disputes which split the Union in the late 70's. First, Cesar wanted everybody in the Union to work on a volunteer basis. The Union had operated on a hybrid part volunteer part salary basis since its inception. The legal department was paid modest salaries. For example, when I first went to work, I received \$7,200 per year. Cesar insisted that everyone in the Union should be volunteers and also that the legal department should return to La Paz. When he put these decisions to a vote of the Union's executive board, the split was five to four with all the talented younger members opposing Cesar's position. This split startled him especially because the opposition included the future leaders of the Union: Jessica Govea, Eliseo Medina, and Marshall Ganz.

After the vote Cesar and I met to work out a transition. I told him that the turtle needed time to grow a new shell and that lawyers were not fungible commodities which could be replaced quickly. The vote was taken in June of 1978, and we decided that half the legal department would leave later that year and the other half, in 1979. I resigned as General Counsel in 1979 after the legal department had gone. Cesar had offered to pay me to come to La Paz to train new lawyers, but I declined. Instead, I stayed on to negotiate with the vegetable industry to settle the successful strike which took place in 1979. I negotiated contracts for the next two years and then resigned.

The other challenge to Cesar's leadership came in Salinas in July 1979 when he held an executive board meeting at which he told the workers that the vegetable strike should end and that the Union should boycott instead. The workers refused to end their strike. In fact in August they won, and we were able to negotiate some of the best contracts in the history of farm labor.

Cesar wrongly concluded that Marshall and Jessica were trying to form a union of their own. What we in Salinas saw as a sign of strength and health in the vegetables, Cesar saw as a threat. Sadly, he ended up in a fight with the leaders of the vegetable workers, forcing them out. This conflict weakened the Union and resulted in the loss of most of the UFW vegetable contracts in the 1980s. Kronos ate his own children.

I didn't think about these crucial internal struggles when Cesar died in 1993. Instead, my thoughts went back to the night of July 25, 1970, and the meeting which Cesar and I had with the Giumarras at the Stardust Motel.

The Union struggle for recognition and economic and social justice attracted a critical mass of extraordinary organizational, administrative, and legal talent. The Union was a great school. Many excellent organizers and labor lawyers continue to work for social justice throughout the country, thanks to the opportunity which Cesar gave them.

Jessica Govea Thorbourne personified the best of the UFW experience. She started in the fields, worked in the Farm Worker Service Center and the Union legal

department, served on the boycott, created a medical plan for vegetable workers, and eventually became a member of the Union's Executive Board. From the time she left the United Farm Workers until her death in 2005 she devoted her life to teaching and training organizers. When I met her, she was nineteen, working in the Service Center, where she introduced me to the issue of pesticides. Teachers come in many guises. Here is the tribute I delivered at her memorial service.

Tribute to Jessica

George Eliot, one of the most compassionate and wise people who ever wrote, was interested in real heroines. She wrote that Saint Theresa of Avila had a passionate ideal nature, an ardently willing soul that demanded an epic life. The flame that burned within her soared after some illimitable satisfaction, some cause which would never justify weariness, and which would reconcile self despair with the rapturous consciousness of life beyond self. Saint Theresa found her epic cause in the reform of a religious order.

In this modern, somewhat cynical world we tend to be embarrassed by and dismiss this kind of language. But how can we adequately pay tribute to someone as selfless, committed, gracious, and dignified as Jessica Govea Thorbourne? Jessica also had a passionate, ideal nature and an ardently willing soul, and she found her epic cause in a life dedicated to serving others. She never wearied, nor despaired. She was a proud woman from a proud family, a family which has every right to be proud of its consistent record of extraordinary service to others.

Jessica was the heart and soul of the United Farm Workers Union when that union was at its most vibrant best. Jessica's story looms large in the history of the Union. Demonstrating versatility and leadership, she served in many capacities. She worked in the Farm Worker Service Center, in the legal department, on the boycott, eventually becoming Canadian Boycott Director. She organized in the fields and became National Organizing Director. Developing leadership, she created a committee of vegetable workers who constructed a model plan for the delivery of medical services, thus transforming contract benefits into tangible reality. Finally, she served on the National Executive Board of the Union.

I met Jessica when she was nineteen while she was working in the Farm Worker Service Center. On one crucial day in the history of the union she brought to our attention three farm worker women who were suffering from severe rashes, nausea, dizziness, and double vision. The grower and the foreman said they were merely suffering from mild heat exhaustion. Jessica,

remembering her own experience working in the fields, insisted that they were suffering from exposure to pesticides. Shortly after this, she came to work for me in the legal department and more than once asked what we could do about farm worker exposure to pesticides. She was never angry, but always gently persistent.

The leadership of the Union finally focused on pesticide use as an issue. Boycotters in cities around the country discussed the effect of pesticides on workers and consumers. This discussion became an integral part of the boycott story. In the summer of 1969 Senator Mondale convened hearings focusing on the use of pesticides, transforming this danger into a national issue. When the Union won contracts with the table grape industry, detailed clauses were negotiated, regulating the use of pesticides, which included strong protections for farm workers working under contract.

Jessica never took any credit for any of this. Almost no one knew she was instrumental in raising the issue in the first place.

Jessica had all the attributes of a great organizer and teacher. She listened carefully to people. She learned from her mother Margaret and her father Juan to afford people the same dignity and respect to which she felt she was entitled. "My father never talked down to people," she recalled. "He listened carefully and spoke respectfully. I learned a lot about organizing just from listening to these conversations." The powerful images Jessica created in the stories she told and the songs she sang inspired others to action. Canadians were moved to support the grape boycott; farm workers were moved to join the picket lines. She was sympathetic and compassionate without ever being patronizing. She never engaged in petty politics or the tawdry politics of race. People were people to Jessica.

Fourteen years of common struggle generate many memories, some funny and some hauntingly beautiful. We were at our most dangerous when we were laughing the loudest.

When Jessica worked with me, the Legal Department was in the kitchen of a little pink house in Delano which served as Union headquarters. One afternoon I needed to file a writ in

the Appellate Court in Fresno to overturn an unconstitutional order of the Kern County Superior Court. We didn't have much of a legal library. While we had forms of writs, we lacked the books which explained their procedural use, so I didn't know whether to use a Writ of Supersedeas or a Writ of Prohibition. Jessica, having received crack legal training by me, came up with a great suggestion. She said, "Why don't you flip a coin?" She did the honors. Heads was Supersedeas; tails, Prohibition. I told her that if she flipped it right, I'd treat her to lunch at one of the Valley's classier restaurants, Okie-Frijole Mexican Smorgie. She flipped Supersedeas; we put together the writ; I went to Fresno. The kindly judge told me that we had a good argument but the wrong writ. Jessica never got her lunch.

In 1969 we were together in Canada one winter night, discussing the grape boycott with friends from the United Auto Workers. The Auto Workers were trying to avoid service of an injunction by the Canadian Mounties, so we were hiding in an out-of-the-way cabin in the woods outside Toronto. While we passed the time together, Jessica sang many songs, including "Cu-cu-ru-cu-cu Paloma." Those lucky enough to hear her sing will never forget her voice. I can still hear its power and beauty ringing in the cold Canadian winter night.

Jessica fought her private battle with cancer with the same persistence, courage, grace, and dignity with which she fought her public battles for social and economic justice. She used every weapon at her disposal, including her sense of humor, in her twelve-year struggle for life. She remained totally committed to her work and never used her illness as an excuse. She told me that she never despaired. She knew that not only was her illness life threatening, but that the various treatments were also life threatening. After one bout in the hospital we joked about a line from the movie "The Hospital" when George C. Scott says of the patients "Let's get them out of here before we kill them." Jessica was literally laughing in the face of death. How many of us would have the courage to do that?

Her humor flowed from her proud and gracious nature. Pride is not a bad thing when it helps us hide our hurt from others. Jessica used humor to put other people at ease. She was able to laugh because she believed she would overcome. This conviction grew from her indomitable spirit and tenacious will to live. After Jessica's bone marrow transplant, with her immune

system severely impaired, she lay in grave danger in a darkened and isolated hospital room. Those in the hall heard her wonderful voice singing “We Shall Overcome.” And her spirit did overcome for twelve incredible years.

No one can possibly measure the impact of Jessica’s bravery and generosity on those she touched. She used the gift of her powerful and beautiful voice to give voice to others. In all our future private and public battles her courage will always be an inspiration. The effect of her being on those around her is incalculably diffusive because the growing good of the world is dependent upon lives dedicated to the service of others.