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REPORT TO SAFEWAY ON THE LETTUCE LABOR DISPUTE

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Through the Montgomery Street Center's program for theology student internships in business, I was placed with Safeway Stores, Inc. My executive sponsors, Calvin Pond and Malcolm Grover, both Safeway Vice Presidents, asked me to make an independent study for Safeway on the current labor crisis in the lettuce fields. They asked me to talk to people on different sides of the issue, and they helped arrange appointments. This report is the result of those conversations and my readings. It is an independent study which does not necessarily reflect the views of Safeway. It reviews the history of the current dispute, analyzes the material in the interviews, and makes a final recommendation to Safeway.

I wish to express my respect for each of the persons I have interviewed; all were generous and candid in our meetings. I am grateful to Safeway for considerable help in contacting persons for this study which is also an open part of my academic work at the Graduate Theological Union. I hope it will add to understanding in this critical and difficult issue.

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History

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This introductory history, through the grape contracts, is based largely on Joan London and Henry Anderson, So Shall Ye Reap, Thomas Y. Crowell Co., New York, 1970.
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A. The Labor Pattern in California's Agricultural History, A Critical Summary

The understanding of politics is, in a sense, nothing more than the understanding of history brought up to date.

Hans J. Morgenthau

California agriculture is unlike that in most of the United States: California farms began with larger land holdings, which are becoming even further consolidated in fewer and larger farms, increasingly operated on a corporation scale, with close links to large-scale financing and government subsidies in various forms. A major supplier in most crop categories, California is the primary producer of many labor-intensive crops, including lettuce. The specialized labor pattern necessary to support such productivity began in the nineteenth century.

In 1869, after the transcontinental railroad was finished, when large numbers of Chinese laborers were willing to work under hardship conditions, California agriculture developed labor-intensive farming, particularly in vegetables and fruits. Irrigation opened new lands, the railway opened new markets, and the Chinese provided cheap, plentiful labor. California agriculture was trapped by that lucrative opportunity into the labor pattern that persists today: high-yield farming dependent on an abundance of cheap labor.

The Chinese left the field for better jobs, but the labor pattern stayed, to be filled by one group after another; Japanese, Filipinos, Arabs, refugees from the Dust Bowl in the Depression, Blacks from the South...Without challenging the basic labor pattern, the U.S. government helped growers import groups of immigrants to the California fields. The use of foreign work workers, not fluent in American ways and expectations, further isolated farm labor from the mainstream of American life. New arrivals to this country, unsure of their position, reinforced the pattern of voicelessness and powerlessness. When one group after another did assert itself, it was generally to leave farm work altogether, while the growers imported another farm worker generation. The relative wealth of the U.S. insured a continuing supply of foreign workers who were deprived enough that they would work in the California farm labor pattern, without questioning it.

Importing labor was a privilege generally denied other American industries. Thus California agribusiness used generation after generation of relatively docile workers without bringing wages and working conditions to a standard competitive with other industries.

The farm labor force is still racially mixed, but since 1920, except for a short period in the 1930's, the major component of the California work force has come from Mexico. From 1942 to 1964, growers and government cooperated on a program, at government expense, that provided Mexican labor under contract to growers in the "Bracero" program. In 1945, the government paid over 21 million dollars, almost 450 dollars per bracero, far more than the average bracero was able to earn in wages.¹

The bracero program was ended in 1964, but it was replaced by the current "green card" system with many of the same problems. A Mexican citizen can apply for a "green card" with proof of a job offer in the U.S. Once issued a "green card", he is entitled to all the rights of an American citizen, except he cannot vote or hold public office, and he can be deported for a felony.

At the Mexicali border crossing, 12,000 green card holders commute daily between their homes and families in Mexico and their jobs in the U.S. These people are privileged citizens of Mexicali, able to earn in an hour what a Mexican factory worker earns in a day. Employers need not worry about "green carders" asking for anything or seeking a union.²

But work is precarious for the green card holder; jobs may be difficult to find, even considering the working conditions he will tolerate. If he chooses agricultural work he will have to travel, at his own expense, and work is available only on a erratic and unpredictable basis. Despite his legal rights, the green card holder has been particularly vulnerable to threats of arrest and deportation.³ Seeing his family usually means a long drive home to Mexico. He is ordinarily recruited by a labor contractor who oversees his work, handles his pay (with possible deductions), and may control his transportation, housing, and food, as well as his access to jobs. A common comment among farm workers is "I make \$8,000 a year, but let me tell you where it goes..." and he recounts the occupational expenses of a travelling worker. In addition, he is subject to illness without medical care and violence without protection. Weather can put him out of work, a car breakdown can wreck his finances when his family needs moneyⁱⁿ Mexico, and Mexican money-lenders are not known for the gentleness.

The life of the farm worker is so precarious that he, in his powerlessness, is vulnerable to the pressure of labor contractors, police, growers, merchants, and others who dissuade him from organizing efforts. His own culture tells him to accept his position. He knows that all of the major forces are lined up against his organizing, yet he knows the only force that will speak for him is his own organization. When he chooses to join a union or, particularly, to go on strike, he is making a more costly investment of himself than most Americans realize.

The farm worker is not a better man or a worse man than the grower he works for, but both are caught in a historical pattern which abuses one for the sake of the other. The point of this history is not to lay blame to individuals, but to see the historical forces still at work, the poverty and powerlessness of the worker which have played such an important role in the industry:

It has been and is an article of faith to California agriculture, beyond examination, that workers must have no voice in the terms of their employment: that the industry could not survive if such a heresy were ever permitted... Since free men have traditionally rejected

the prevailing conditions the labor (needs) could...⁵
be filled only by persons under some kind of duress.

Growers are accustomed not only to paying low wages, but to the kind of extensive control over the work force that labor unions commonly bring to an end. Because the patterns of inequality have been so long established (and not by the current generation of growers) these growers are economically and psychologically dependent on the pattern which they inherited. Growers, as individual human beings, certainly want an end to poverty. But as growers fighting for their position in the pattern, they have kept workers as voiceless and powerless as possible. Granting material improvements, for example, can be made at the grower's convenience. But workers with power move beyond the growers' control; they can ask for anything; they threaten the basic pattern of injustice on which the industry is founded.

The significant turnaround in economic power achieved since 1965 by farm workers (still more potential than actual) might seem in contradiction to their powerlessness. But it is important for businessmen to realize that it is precisely the powerlessness of the farm workers that gave them their power, which was their ability to appeal for public support against the long-standing pattern of injustice.

B. A Brief History of Farm Labor Organizing

There have been numerous attempts at organizing farm labor since 1884, when Chinese laborers struck for higher wages in Kern County. But the threat of losing jobs, or worse, and the lack of dedication to farm work as a lifetime career hampered organizing efforts. Those who could, usually found other work rather than to improve a seemingly hopeless situation in the fields, where police forces, growers, and the average citizens present a common front against organizers. Worker protest peaked in the 1930's making some permanent gains in food processing, but not in the fields. Strikes sometimes resulted in higher wages, but the gains had a frustrating impermanence.

While other industries had been covered under the Wagner Act of 1935, which gave important organizing powers to unions, farm work was excluded from the legislation, reinforcing agriculture's artificial labor situation, outside the mainstream of American labor. During World War II, the bracero program was instituted, enabling growers to bring labor from Mexico at government expense, and virtually insuring the growers that no unionizing could take place. Farm workers were again excluded

from federal labor legislation when it was revised in 1947 in the Taft-Hartley act, which limited the power of unions. Between the passage of these two acts, unions were established on a firm basis, with legislative protection never extended to farm workers.

Following World War II and into the 1950's, there were numerous attempts at unionizing farm workers, including the AFL-CIO campaign, the Agricultural Workers Organizing Committee (AWOC). An associate of George Meany's claimed the effort was undertaken because Meany was tired of being embarrassed by poorer countries who had managed to organize agricultural workers.⁶ By 1966, when AWOC merged with the United Farm Workers Organizing Committee (UFWOC), it had made limited but important gains, especially among Filipino workers.

In 1962, Cesar Chavez began organizing agricultural workers in the Delano area. Chavez's Farm Workers Association (FWA) was low-key, avoided crisis, centered on small meetings that were to lay the slow but steady foundation for organized power. By 1964, there were about a thousand members, paying \$3.50 per month, making the union self-supporting. There were a few small strikes, but in 1965, the FWA was caught in the grape crisis. Filipino workers, who had joined AWOC six years earlier, struck for higher wages, and the FWA, which was working in the same area, voted to support the strike.

Strikes have always been a limited tool for farm workers. In this case Filipino workers were evicted from their camps, and the growers, in a standard response to the strike, a boycott was called on products of Schenley Industries, one of the two largest Delano growers.

In March, 1966, the Senate Subcommittee on Migratory Labor came to California, and Robert Kennedy spoke out in support of FWA. FWA lead a march, in the spirit of Mexican lenten pilgrimages, 230 miles to Sacramento, ending on Easter. Six days before the end of the strike, Schenley announced it had agreed to recognize FWA and negotiate a contract for all its workers in the Delano area. Di Giorgio Corporation announced the next day that it would allow representation elections.

The Di Giorgio Elections

FWA and Di Giorgio disagreed over rules for a fair election, and FWA called a boycott of Di Giorgio products when the negotiations broke down. Di Giorgio wanted, for example, to let strikebreakers but not strikers vote.

Di Giorgio announced that the Teamsters would appear on the ballot and gave a 48 hour notice for the election, to be held by its own rules. FWA had AWOC removed their names from the ballot and urged workers not to vote. A majority of the workers, even as screened by the company's eligibility rules, followed the unions' advice and did not vote. Most of the rest voted for the Teamsters.

Governor Brown appointed a nationally respected arbitrator, Ronald Haughton, to investigate the election. He recommended a new election with improved rules. All workers who had left on strike, plus any who had worked 15 days or more since then (technically strikebreakers) were allowed to vote.

The FWA and AWOC merged to form the United Farm Workers Organizing Committee, AFL-CIO, under the direction of Chavez. UFWOC called together the then scattered workers who had left on strike. The union relied heavily on volunteer organizers who were a part of farm worker life. The Teamster style, under the direction of Bill Grami, was characteristically different: conducted by professionals who resided at Delano's finest motel.

Though a majority of the voters were "strikebreakers" and though the employer had openly sided with the world's largest union, UFWOC won by a large margin in the only secret ballot election to place the two unions in direct opposition:

UFWOC	530
Teamsters	331
No Union	12

UFWOC continued to win elections, card checks, and contracts in the Delano area, without Teamster obstruction until the Perelli-Minetti strike.

Perelli-Minetti Strike

Perelli-Minetti, Delano's third largest grape operation, refused a card check in 1967, and UFWOC called a strike. Teamster officials this time crossed the picket lines to actually sign a contract in secret, purporting to represent the workers who were striking for another union. UFWOC again used the boycott, continued picketing, and public pressure. After 10 months, the Teamsters agreed to stop interfering with field workers in the first jurisdictional agreement between the two unions.

The Table Grape Boycott

It was finally the world-wide table grape boycott that brought

the majority of Delano growers to the bargaining table. The workers were organized and ready for union representation; but the boycott was necessary to win the power they needed to have the growers honor their desire for representation.*

NFW had been organizing Delano workers since 1962. The workers themselves had voted to strike with AWOC. UFWOC decisively defeated the Teamsters in the Di Giorgio election; UFWOC won all other elections in the area. Workers decided the terms of their contracts, elected their officials, marched to Sacramento, struck at great personal sacrifice, picketed, went to strange cities to further the boycott, and attended weekly meeting for years. During this period workers came from other parts of the state, including lettuce workers from Salinas, to ask for UFWOC organizing support. Secret ballot elections are certainly the ideal means to determine worker preference, but their absence cannot be equated in Delano with no sign of worker preference at all. By no means were all workers in the Delano area supporters of UFWOC, but all the evidence that does exist points to a strong UFWOC preference.

The grape boycott began in 1967 when UFWOC, after deciding it was supported by a majority of the workers, tried unsuccessfully to meet with the Giumarra Vineyard Corporation. Several hundred Giumarra workers voted unanimously to strike. Typically, green carders were illegally brought in to break the strike. In August, 1967, UFWOC began the long grape boycott.

In March, 1970, a Coachella Valley grower signed with UFWOC. Two others promised to sign if their workers would vote to join the union. One, Kelvin Larsen, had claimed nationally that his workers did not support the union. The vote in favor of the union was 152 to 2. In considering the current speculation among lettuce growers that their workers are "disenchanted with Chavez" it is important to remember that such speculation is a part of the historical pattern and not in itself an indication of workers' desires.

* The distinction is important. In the current lettuce dispute, where Teamsters signed contracts in Salinas in 1970, without consulting the workers, their move is often justified as being no different from UFWOC winning contracts by boycott pressure, without elections, in the last group of Delano contracts. For that reason, it is important to realize the extent of worker participation in Delano that preceded the "boycott contracts." This is in contrast to the Teamsters in Salinas, where there was no worker support or even worker knowledge of Teamster involvement, preceding the 1970 Teamster lettuce contracts.

Through 1970, various growers signed with UFWOC, and Giumarra and the remaining grape growers signed contracts in July. Though it was the boycott that brought the final pressure to bear, the workers were already a highly organized union force. They had struck Giumarra as a union, many (Working in both valleys) had voted in the Coachella elections, they had met and made decisions and worked on the strikes and boycotts that brought them recognition.

C. History of the Lettuce Workers Dispute

At almost the same time the grape contracts were signed, Salinas Valley vegetable growers announced farm worker contracts with the Teamsters. The farm workers had not been considered at all or even informed that negotiations were being conducted "on their behalf." Though union contracts represented a basic change in the historical labor pattern, the negotiations were consistent with the tradition of keeping the workers voiceless. The worker's own inherent power -- collective bargaining -- was usurped by a union with which they had no contact.

* This non-participation by workers in the Salinas contracts is sometimes mistakenly compared to the Delano grape-grower-UFWOC contracts which were won by boycott pressure, as though there had been comparable non-participation by Delano workers in the UFWOC. See pps. 9-10. for a discussion of this comparison.

A history of the Salinas contracts is found in the California Supreme Court's decision in the Englund vs. Chavez case, December 12, 1972. The "Association" referred to is the Grower-Shipper Vegetable Association of Central California.

"According to the uncontradicted affidavit of Cal Watkins, the personnel manager of InterHarvest, Inc. (a grower member of the Association) who attended the July 23 (1970) meetings, the Association members... discussed the question of Teamster representation of their field workers. The members decided to appoint a committee which was to approach the Teamsters to "feel out" that union on the prospects of negotiating an agreement recognizing the Teamsters as the exclusive bargaining agent of the Growers' field workers. There is no suggestion in the record that the Growers, before taking such a step, attempted to ascertain whether their respective field workers desired to be represented by the Teamsters, or, indeed, that the question of their field workers' preference was even raised as a relevant consideration.

"The Association Committee which had been established to approach the Teamsters worked quickly. On the fol-

lowing day, July 24, 1970, at another general membership meeting of the Vegetable Association, the Committee reported that the Teamsters had been contacted and were 'interested and receptive' indeed, the Committee informed the membership that any grower who wished could sign an immediate recognition agreement designating Teamsters as the exclusive bargaining agent for all of his field workers. Each of the Salinas Valley Growers involved in this litigation signed such an agreement that same day, on a form made available by the Teamsters. Once again, there is no indication that any thought was given to the possible wishes of the field workers whose interests were purportedly to be represented by the Teamsters. the next day negotiations for formal contracts began between the Teamsters and the Growers.

"Over the next week, the Teamsters and Growers proceeded to negotiate detailed contracts covering such specific subjects as wages, hours and other working conditions; although the field workers were the individuals who would primarily be affected by such provisions, these workers were never consulted during the negotiations and were never given an opportunity to examine the terms of the contracts or even to indicate whether they desired to be represented by the Teamsters. Nonetheless, by the end of July each of the Salinas Valley Growers (involved in this case) had executed 5-year exclusive 'union shop' agreements with the Teamsters, covering wages, hours and working conditions of the field workers.

"During the first few weeks of August 1970, when the field workers finally were advised of the collective bargaining agreements that had been negotiated on their behalf, most of the workers refused either to join the Teamsters Union or to sign or ratify the Grower-Teamster agreements. Although there is some dispute as to the precise number or percentage of field workers favoring either the Teamsters or UFW, it appears clear that by mid-August at least a substantial number, and probably a majority, of the applicable field workers desired to be represented by UFW rather than by the Teamsters. Thereafter, UFW repeatedly demanded that the Salinas Valley Growers recognize it as the freely designated representative of the field workers; when these demands were rebuffed, the field workers, on August 24, 1970, commenced a recognition strike against the Growers on behalf of UFW.

Herb Flemming of Admiral Packing Company said that during negotiations between growers and Teamsters on a trucking contract the Teamsters made, growers agreed in principle to Teamster

contracts for field workers.⁸ This explanation shifts the initiative to the Teamsters without defining grower willingness or unwillingness, but it does nothing to change the basic fact that workers were not considered relevant to their representation.

The San Francisco Examiner said:

"Cesar Chavez's farm workers went on strike today against 35 major vegetable growers in the fertile Salinas Valley where harvesting was underway on all crops.

"Hundreds of workers fanned out from United Farm Worker Organizing Committee headquarters before dawn and started picketing ranches which had signed contracts with the rival Teamsters Union.

"At the same time UFWOC members walked out on 62 smaller farms in the Santa Maria area.

"The Federal-State Marketing News Service reported that the harvest was effectively halted. It did not even bother to quote market prices this morning.

"The strike, voted yesterday at an emotion-packed meeting of some 3,000 farm workers here, was called in an effort to force the growers to recognize UFWOC as the valid Union representative for field workers."²⁰

The next day the Examiner said that about 5,000 workrrs were picketing in the Salinas Valley and another 2,000 were active in the Santa Maria area, 120 miles to the south.²¹ The numbers were similar to those reported by the Los Angeles Times and indicated that almost all workers had left the fields against the wishes of Teamsters and growers, to ask for UFWOC recognition.

Lee Roddy of the Council of California Growers said, "UFWOC is striking another union and the growers cannot get caught in the middle."²² The growers brought in strikebreakers²³ and were able to obtain injunctions (after one judge had turned down their requests) under the Jurisdictional Strike Act intended to protect neutral employers from competing unions. The State Supreme Court has since reversed those injunctions:

"...from a practical point of view an employer's grant of exclusive bargaining status to a non-representative union must be considered the ultimate form of favoritism, completely substituting the employer's choice of unions for his employee's desires..."

"In sum, we conclude that an employer who grants exclusive bargainng status to a union which he knows does not have the support of his employees may not thereafter call upon the state to enjoin concerted activities by a competing union."²⁴

UFWOC called the agreements "sweetheart contracts" designed to shut UFWOC out of the fields at worker expense. On July 31, 1970, Cesar Chavez called for a secret ballot election to let the farm workers choose between the Teamsters and the UFW. He said, "If we do not get the election right away, we will boycott, strike, struggle and sacrifice as many years as it takes until we do exactly what we did in Delano."⁹ His concept of elections was that they should be offered at the outset of a dispute. If they were refused, workers would show their representation by striking, boycotting, "struggle and sacrifice." Chavez warned that if growers "do not give us an election right away" the Union will not be receptive to such offers made a year later in the belief that the Union might be too weakened to win.¹⁰ This, he indicated, had been the pattern of the grape strike.¹⁰ He said once the growers were brought into economic submission they should not then ask for elections as a delaying and energy-destroying tactic against the Union.

Elections were refused by the growers, who actively recruited others to sign Teamster contracts. The Teamsters started collecting after-the-fact authorization cards and, about August 7, started enforcing the closed shop provisions of the contracts by having workers fired who refused to sign.¹¹

After UFWOC called for recognition, a few strikes, mass meetings, and discussions mediated by a representative of a Catholic Bishop's committee, a 10-day moratorium was declared to see if the conflict could be resolved. On the ninth day, Herb Fleming, speaking for "more than 200 growers and shippers in California" with Teamster contracts, announced the growers would stand by the Teamster contracts and not negotiate with UFWOC.¹² The number of contracts, not previously disclosed, included about 80 growers in the Salinas-Watsonville area and about 120 elsewhere in the state.¹³ Fleming was quoted the next day as saying that Valley field workers, "like any other employees, would have to go along with their employers in any contract. If they don't choose to be Teamsters, then they don't choose to work for me."¹⁴

On August 23, 1970, 3,000 workers met to make a strike decision.¹⁵ Chavez, recovering from a six-day fast, was unable to attend, but a statement by him was read to the crowd:

"A new order of things is replacing the old in agriculture. It can be replaced peacefully with the consent of the employers, or it can proceed by painful struggle.

"We are entering a just and necessary struggle, not of our choosing, but a struggle we have been forced into. Everything we have done, we have done in good faith. Our good faith has been received with a slap in the face of the farm workers."¹⁶

Workers had elected UFWOC "ranch committees" at each of the farms, and, one after another, they stepped forward at the meeting to announce their decisions to strike.

On Monday, August 24, 1970, the UFWOC recognition strike commenced with almost unanimous worker support. The main Salinas newspaper, the Salinas Californian, reported:

"Salinas Valley agriculture was virtually shut down today by a general strike of the United Farm Workers Union (UFWOC)."¹⁷

Though grower spokesmen discounted the strike as a recognition strike, saying the workers remained home in fear, the pro-grower Salinas Californian said, "From both sides, however, there was general agreement that the UFWOC general strike has so far been free of violence."¹⁸ The Los Angeles Times said it was the "largest strike of farm workers in U.S. history."¹⁹

During this period several growers did abandon their Teamster contracts and sign with UFWOC, some because they were vulnerable to boycott pressures on other products of their companies. Card check elections were held at InterHarvest, the largest lettuce grower, Mel Finnerman, and Freshpict., all of which UFWOC won overwhelmingly. (Teamsters withdrew before the elections.) UFWOC ranch committees, elected by the workers, joined in negotiating the contracts. All contracts were ratified by secret ballot except the InterHarvest contract which was negotiated by an "ongoing ratification process" whereby Delores Huerta, Vice President of UFWOC, moved between the negotiating table and the workers gathered outside to get their response to the negotiations.

*On his office wall at Interharvest, Cal Watkins has a worn hat, barely holding itself together with a few strings, labeled "Negotiating Hat."

With the strike rendered ineffective,⁸⁸ UFWOC turned to the lettuce*** boycott to win recognition from the rest of the growers. Lettuce was not the only crop affected but is the most important Salinas Valley crop. Herb Fleming, Pres. of the Grower-Shipper Vegetable Association, had been asked by a Salinas Californian reporter if he gave "much thought to the possibility of a UFWOC boycott. 'Only 24 hours a day,' agreed Fleming with a smile. 'It has been a very effective weapon'."²⁵ The pressure was successful enough that the Teamsters set up "discussions" between the growers and UFWOC to see if they could, as a group,

**By strikebreakers and injunctions.

***Only iceberg, or, more properly, "crisply heading wholly green" lettuce is involved in the boycott.

negotiate contracts. The lettuce boycott was suspended. It was to the advantage of the growers to fail, thus avoiding UFWOC contracts and returning to Teamsters. UFWOC had no power to make the "good faith" negotiations work, and they finally were broken off after several months.

The lettuce boycott was resumed but other events consumed the union's energies: a struggle, finally won, with the National Labor Relations Board over their boycott rights, the 1972 political campaign, Arizona legislation to restrict UFWOC's activities, and a California proposition, which was defeated, which would have limited the union's powers. After the campaign the boycott was resumed in November 1972, with full strength.

In December, 1972, UFWOC --now UFW-- called a boycott of the nation's two largest grocery chains, Safeway Stores, Inc. in the West and in Washington, A&P in the East. UFW claimed these stores, as the largest, had a social responsibility to see that the workers received fair representation, but that their purchases of lettuce from Teamster farms supported the growers in their refusal to recognize UFW. The Interfaith Committee to Aid Farm Workers increased the boycott pressure with consumer suits against Safeway's ground beef content, pricing and availability of sale items, sale of contaminated goods and other complaints. They claim the suits remind consumers that the corporation pursues its own interests first, and that the consumer can better recognize the farm worker as victim of the corporation when he sees himself victimized.

Safeway, in turn, finds the suits groundless, malicious, and intended as harassment, an improper use of the courts. Safeway, claims neutrality:

"Safeway is not a party to this dispute...We will continue to recognize both unions as staunch advocates for their rank and file members...Safeway would like to see all farm workers guaranteed the protection extended to workers in other industries--the rights to decent living and working conditions and right to join the union of their choice by secret ballot. For these reasons our position has been that legislation on a federal level is the only viable solution to this problem."²⁶

Safeway's interests would be served by a steady flow of food to market and by an end to controversy which interferes with its business. Federal legislation, especially if it ends the boycott power of UFW, would contribute to that stability but with a substantial loss of power to the group already least in possession of power. It is, in fact, the power imbalance that causes the instability detrimental to Safeway. Increasing the imbalance by eliminating the boycott would curb the symptoms, not the injustice. Legislation should carefully protect worker's

rights without limiting further their power. It is precisely the desire to curb disturbing activities by farm workers (like unions and boycotts) that has lead to the instability the growers and Safeway now blame on UFW.

The question of the future can be answered in two ways: enlightened self-interest on the part of the growers and retailers who see social responsibility as good business, or a continuing power struggle to break the historical pattern of farm labor injustices.

Conclusions

The conclusions of this study are based on readings and interviews with over fifty people on both sides of the issue. They are submitted in hopes of bringing clarity to the lettuce labor issue. It is important to read the preceding history along with these conclusions, especially the history of the lettuce dispute.

1. The central question is "Are lettuce workers being allowed representation by the union of their choice?"

Since it is beyond the scope of this report to discuss all the issues of the lettuce dispute, it is important to identify and pursue the central problem. The central historical problem is how to rectify the injustices of the labor pattern which has kept farm workers poor and powerless, as discussed in the preceding historical section. The current form of that historical problem is the farm workers' efforts at gaining union representation, which has been generally denied this group of workers. The lettuce boycott is promoted by one group, the United Farm Workers (UFW), AFL-CIO, who claim workers are still being denied representation by the union of their choice. The boycott is opposed by lettuce growers and Teamsters who have contracts covering most California lettuce workers and who claim those workers are now adequately represented. The boycott is also opposed by Safeway Stores, Inc., the largest buyer of lettuce, and therefore the primary supporter of the growers with Teamster contracts. Safeway claims neutrality and says it is the innocent victim of a jurisdictional dispute between two unions who are both "staunch advocates of their rank and file."

Are the workers now adequately represented? Or is the UFW union justified in claiming it represents the workers and in trying to force that recognition by marshalling public support for the lettuce boycott and the Safeway boycott*? The central debate in this dispute is representation: are the farm workers represented by the union of their choice?

*A&P in the East.

Representation is the question most relevant to business caught in the dispute, like Safeway. And it is also the current issue in the larger historical changes in farm labor patterns. A true farm worker union is clearly the best advocate for farm worker justice and for an end to the dispute.

It is important to sort out which issues are and are not directly relevant to the question of representation. The most important material is evidence of farm worker preferences for different unions or for no union at all. Then we must consider the responses of employers to the indications of employee preference, and the issues that grow out of that response.

The current question is what union the farm workers want.

Not germane to the discussion are farm worker complaints against the growers as growers, except where they affect representation. Also not germane are the details of grower sentiments about the two unions, except to understand why they have preferred the Teamsters. It is the farm workers who must choose the union, not the growers. Grower difficulties in dealing with UFW are serious concerns which must be resolved, but they are not relevant to the farm worker selection of a union. Such problems must be dealt with after the union is recognized and must not interfere in the recognition process. In all fairness to the farm worker, his employer's hostility toward a union cannot be cited as reasons he should not be able to gain representation by that union. Thus grower sentiments about UFW are not germane to the central question of this report and will be dealt with only as they effect the recognition process.

Similarly, this report will not deal directly with a comparison of contracts, with a comparison of personalities, or with a comparison of hostilities. This report is not attempting to determine which union the workers should want. It is an assessment of which union the evidence says they do want and what responsibility growers and Safeway have to respond to those desires for a union.

Democracy is the central issue: the workers right to be represented by those people whom they choose by themselves. This focusing of the issue implies giving greater attention to the desires of farm workers than the desires their employers, but it must be remembered that such attention is entirely appropriate and necessary when the issue is worker, not grower, representation. Only after workers are given fair representation can the further questions between the two groups be resolved.

1. Lettuce workess have adaquately expressed their desire for representation by UPW*

*Material in this section is documented in the preceding section on the history of the lettuce dispute.

Request for UFWOC assistance: During the grape boycott, worker committees from the lettuce fields came to UFWOC asking for help in organizing lettuce workers for contracts. They were promised that when UFWOC resources were available they would have help. But the lettuce growers and Teamsters, without consulting workers, announced contracts as soon as the grape contracts were being finalized.

Refused election: Cesar Chavez of UFWOC called for elections to see which union represented the workers, saying that now was the time for an election, that the workers would rather have an election than a strike, but that if the election were refused, "workers would have to vote with their feet" in a strike. Elections were refused.

Strike: Teamster organizers went into Salinas fields to sign up workers, at some points giving the workers a choice of signing or losing their jobs. On August 23, 1970, 3,000 workers voted for a recognition strike for UFWOC. The next day the Salinas agriculture was hit by the largest strike in U.S. agricultural history, with 5,000 to 7,000 workers leaving the field, as reported by numerous newspaper at the time, including the pro-grower Salinas newspaper (documentation in the history section.)

The strike can only be considered an overwhelming statement by the workers in support of UFWOC. Its power was broken by strikebreakers (as testified by growers and Teamsters) and injunctions, but the representational issue was made clear at considerable cost to workers and grower alike. The Salinas strike was the strongest representational strike in farm worker history.

Grower statements: Cal Watkins of InterHarvest said at the time that the Teamsters have our contract, but the United Farm Workers have our workers.

Card check elections: Card checks were held at three farms which agreed to rescind Teamster contracts: InterHarvest, Mel Finnerman, and Freshpict Foods. UFWOC won all three overwhelmingly. The Teamsters did not participate in the card checks.

Secret ballot ratifications: Contracts were ratified by farm workers in all of the companies which signed with UFWOC except one. Ratification was by secret ballot election. In the other, the InterHarvest contract, workers as a group participated in the negotiations by frequent exchanges with Delores Huerta, who was negotiating for the union.

Support for Teamsters: Since the employers have been unequivocally on the side of the Teamsters and since it is in fact the Teamsters who have contracts for most lettuce workers, it should be expected that some workers, after two years of no progress with UFW, would support the Teamsters. There certainly must be workers with Teamster preference or no union preference, and Teamsters and growers hope to increase their numbers by this means through time. There is nothing unacceptable with

farm worker representation by more than one union, but it must be fair representation.

Teamsters are now collecting "authorization cards" claiming them as evidence of farm worker support. They are, of course, after-the-fact since the employer and union have already made an agreement. There is history, admitted on all sides, for Teamster firing of workers who do not sign. And there is further inappropriate incentive to sign: Once 51% of the workers at a farm have signed, workers receive checks for retroactive wage increases. One grower cited these as being well over \$100 per worker, and claimed the Teamsters were using the checks as a carrot in gathering cards.²⁷ By keeping the wages down until the cards are signed and then authorizing retroactive wage payments, Teamsters are selling their authorization cards for a price. These might be more accurately called retroactive wage cards than authorization cards.

Continuing activities in support of UFW: The workers, despite two years without success, have continued working on the boycott and on strikes at some locations. Hundreds of lettuce workers are participating daily in UFWOC activities. (Even paid organizers of UFWOC receive only subsistence pay, while Teamster organizers earn good salaries.)

Growers suggest that not as many workers want UFWOC now as two years ago, but there is not any evidence available beyond grower suggestion. It is more surprising that after two years of little progress there are still strong groups of workers daily working with UFW.

These indications of worker support for UFW in Salinas are supported by worker actions in Delano, in the grape industry. There workers had a chance, in a secret ballot election, to choose directly between the Teamsters and UFWOC, and they chose UFWOC. The Salinas strike and resultant card check elections at a few ranches have been the most direct votes of the lettuce conflict, and they have been overwhelmingly won by UFW. The workers have sufficiently voiced their choice of union but have been without power to enforce it.

3. Growers have ignored fair employer practice, by which they should recognize the union of their employees choice, and have recognized a union of their own choosing instead.

According to the California Supreme Court:

There is no suggestion in the record that the Growers, before taking such a step (approaching the Teamsters), attempted to ascertain whether their respective field workers desired to be represented by the Teamsters, or, indeed, that the question of their field workers' preference was even raised as a relevant consideration.²⁸

Herb Fleming, president of the Salinas grower association, said farm workers "like any employees, would have to go along with their employers in any contract. If they don't choose to be Teamsters, then they don't choose to work for me."²⁹

Why have the growers, historical foes of unions, willingly signed contracts with the Teamsters? "It is the price they are paying for protection" from UFW, according to a grower journalist,³⁰ Bill Grami, citing his ease in gaining contracts for the Teamsters, says "UFW has given the growers an unpleasant alternative to ourselves."³¹

The reasons for grower avoidance of UFW are, as explained above, not directly relevant to the question of representation, since it is the workers who should choose the union, not the employer. It is important, though, to be clear that the growers have chosen the Teamsters for the sake of their own interests and not the interests of the farm workers, as they often claim.

The Teamsters offer several advantages to the grower:

- Teamsters are less likely to strike because they have organized workers in the food processing line who would be hurt by strikes.
- The Teamsters are more of a known quantity. They are part of the business mainstream and don't talk of "a new order of things." Don Raze of the California Farmer says "It is this unwillingness to separate the social movement from union business that makes the UFWU contract so impossible to tolerate."³² Grower business, on the other hand, is highly politicized and mixed with grower causes. In 1972, Merrill Farms, for example, proudly boxed lettuce in red white and blue cartons labeled "Re-elect the President Lettuce."
- The Teamsters are not the traditional enemy. Growers who have refused to recognize the equality and dignity of their workers, can still ignore them and deal with the "representatives" who speak for them. With more distance from the worker, the Teamsters will not be expected to demand so much for them: "The Teamster approach is clearly economic, not emotional as is UFWU's."³³
- Teamster contracts leave more rights to the management, do not ask job-loss protection against mechanization, have no hiring hall provisions, reinforce the labor contractor system, and appear less demanding on pesticide control, all advantages for the grower. (Some disadvantages under the Teamster contract: Some higher wages, and paying into unemployment and pension funds.)
- The confusion factor is probably the greatest advantage of the Teamster contracts. Growers are no longer the belligerent employer refusing union recognition. If an opponent mentions worker choice of unions, the grower can change the subject

to improved wages and working conditions, or say the Teamsters, as a strong union, can do more for the worker, or claim the workers do not care which union represents them. The Director of the California Department of Agriculture, for example, speaks as though the unions were comparable or equally representative: "Nearly ninety percent of all iceberg lettuce harvested in California and Arizona is harvested under union contracts...it is doubtful if the workers, or the growers, or the business communities of those counties take very kindly to the idea of a boycott."³⁴ And Safeway can say "We will continue to recognize both unions as staunch advocates for their rank and file members."³⁵

The California Supreme Court clearly ruled that the situation is not a "jurisdictional dispute" when "an employer grants exclusive bargaining status to a union which he knows does not have the support of his employees."³⁶ But the growers (and Safeway) continue to refer to the situation as a "jurisdictional dispute," adding to the confusion and making it more difficult for the average-citizen-potential-boycotter to sort out the injustices.

Surprisingly enough, grower problems with UFW are continually cited as reasons UFW should not exist, and Teamster advantages to the grower tend to be cited, along with Teamster strength, as reasons why the growers, not the workers, preferred the Teamsters and why, as the Supreme Court said, the growers exercised "the ultimate form of favoritism, completely substituting the employer's choice of union for his employee's desires."³⁷

4. The Teamsters Union has acted in its own, not the farm workers' interest.

The purpose of a union is to facilitate self-determination of employees through their collectively expressed desires. But the Teamsters did not even contact the workers before signing the initial contracts, and they have refused to acknowledge the workers desires for representation of UFW. While the UFW has elected ranch committees, elected officers, has volunteer help, and worker participation in the decision-making process, there are no such parallels in the Teamster organization of farm workers.

What are the advantages to the Teamsters?

-The California Supreme Court decision states that William Grami of the Teamsters said the Teamsters were interested in negotiating industry-wide collective bargaining agreements covering all the field workers in, and beyond, the Salinas Valley. Grami's declaration explains that the Teamsters' interest in representation of truck drivers and food processing workers, employees who would be adversely affected if the field workers went on strike; he related that "the Teamsters intended to protect these members by protecting the flow of goods from growing through distribution."³⁸

-The line between food processing and field work is increasingly vague, with more processing-type jobs in the fields. The Teamsters, who have organized workers in food processing, are trying to protect these jobs.

-According to Einar Mohn, Director of the Western Conference of Teamsters, the Teamsters anticipate the day when Mexican-Americans doing unskilled work in the fields will be replaced by more "sophisticated" white workers on machines, making possible worker participation in a "real union" of Teamsters:

Question: What role do you see the farm workers playing in the Teamsters Union which represents them?

Mohn: We have to have them in the union for a while. It will be a couple of years before they can start having membership meetings, before we can use the farm workers' ideas in the union...I'm not sure how effective a union can be when it is composed of Mexican-Americans and Mexican nationals with temporary visas. Maybe as agriculture becomes more sophisticated, more mechanized, with fewer transients, fewer green carders, and as jobs become more attractive to whites, then we can build a union that can have structure and that can negotiate from strength and have membership participation.

Question: What will happen to the workers displaced by mechanization? Is there any protection in the contracts for them?

Mohn: No, that isn't a problem to solve in this way. Shortage of jobs is the problem. If there weren't such a shortage of jobs, Mexican-Americans could get jobs. I don't know what will happen to the Mexican-Americans. After all, you can't expect whites to step aside and let Mexican-Americans and Negroes have the (machine) jobs they have had for years.³⁹

If this philosophy guides the Teamsters, who say they plan to organize agriculture across the country, they actually need to perpetuate farm workers' voicelessness, since it is the territory (the fields, where machine jobs will increase) not the current workers (who will be replaced by the machines) that the Teamsters are interested in. Worker voice in the union would demand protection against job loss for the current, predominantly Spanish-speaking work force. While a UFW organizer⁴⁰ says his main job is to get workers to speak up for themselves, the Teamsters may possibly be locked into a goal that requires suppression of long-range worker needs.

Certainly there is idealism in Teamster organizers who want to help workers, and the "new Teamster contract pats the worker on the pocketbook, not the back."⁴¹ But the crucial question is

not the money in continuing the pattern of voicelessness. The question is how to attain worker self-determination that will overcome the contradictions in the paternalistic treatment workers have received for so long.

5. UFW cannot organize freely and fairly in other areas unless the precedent of grower selection of a union is broken.

Lettuce is recognized by both unions as a test case. UFW cannot give up on lettuce and go on to other fields: the precedent is now that growers trying to avoid UFW can arrange contracts with another union of their choosing.

If the precedent is broken by the economic pressure of a boycott, other growers and the Teamsters will think seriously about trespassing on a principle that has such popular support. Until the precedent is broken, the Teamsters can "let UFW do our organizing for us" by frightening growers into Teamster contracts.

More than one union may well find a place in the fields, but the current crisis is over the method: that it should be the workers who choose their union.

6. Recommendation: That Safeway boycott the lettuce of growers with Teamster contracts and other growers who have dealt unfairly with the workers desires for a union.

A February, 1973, statement by Safeway reads

Safeway is not a party to this dispute...We will continue to recognize both unions as staunch advocates of their rank and file members. We cannot, in all good conscience, select one union over another for any farm worker by refusing to buy product from a grower who may have signed with a union that is displeasing to some.⁴²

While Safeway claims neutrality, it is applauded for its action by Teamsters and growers: "Safeway's stand has always been just exactly right,"⁴³ and UFW members bitterly accuse Safeway of not exercising its social responsibility: "Safeway is so rich and we are so poor. Why can't they help us?"⁴⁴

Safeway points out that it contributes to organizations intended to uplift minorities, including Spanish-speaking people, but its continuing purchases of Teamster lettuce support the more important injustice of grower selection of a union. Helping minority organizations while buying Teamster lettuce is like helping a man up while standing on his back.

Safeway also speaks up for secret ballot elections and national legislation, both of which, if done in the interest of

the farm workers could make an important long-range contributions. Hopefully Safeway will support legislation that farm workers will appreciate. But in the current historical situation advocating elections and legislation is completely inadequate. Such advocacy should not be used to avoid the more difficult current challenge, which is allowing farm workers their choice of unions, whether or not elections are allowed.

Safeway has a well-established precedent for dealing with such issues. In the past worker groups have come to Safeway complaining of employer unfairness. (Their charges have included the farm worker charge that the employer was trying to destroy their union and refused to recognize it.) Safeway would then conduct an independent check of the situation. If Safeway determined that the employer was indeed unfair, Safeway would, unilaterally and independently of the union, boycott the employer's product.

UFW has approached Safeway with its complaints that the growers are seeking to avoid the worker's union. This study finds that complaint valid and recommends that Safeway boycott the lettuce of growers with Teamster Contracts. Certain other growers who do not have Teamster contracts have refused to recognize the union in the same manner and should be included in the boycott group.

If Safeway makes such a decision, it will be difficult to obtain enough lettuce from other sources, because this injustice involves most of the lettuce industry. Safeway would, therefore, not be able to provide ample lettuce (it is only head lettuce that is in question) to its customers. Growers and Teamsters would object. Routines within Safeway would be disrupted. Such considerations are serious, but not comparable in magnitude or impact to the ongoing injustice to approximately 15,000 lettuce workers and tens of thousands more farm workers who cannot freely organize with the current precedent of grower selection of a union.

In a climate of doubt about corporate responsibility, and with young people establishing lifetime buying habits, Safeway has an important opportunity to contribute to the society and to its own image. The alternative is further alienation from centers of corporate power which cannot respond to the poor. I hope this report receives serious consideration from Safeway and that the company is able to respond with vision to the crisis at hand.

NOTES

1. Joan London and Henry Anderson, So Shall Ye Reap, Thomas Y. Crowell, Co., 1970.
2. H.E. Albanex, California Department of Human Resources Development, Calexico, California, interview, Feb. 14, 1973.
3. Ibid.
4. Conversations with farm workers in the Imperial Valley, March 14 and 15, 1973.
5. London and Anderson, pp. 15-16.
6. London and Anderson, p.46.
7. California Supreme Court, Englund vs. Chavez, December, 1972.
(Hereafter, CSC)
8. Interview with Herb Flemming, February 9, 1973.
9. Cesar Chavez, quoted in Watsonville Register Pajaronian, August 1, 1970.
10. Salinas Californian, August 1, 1970.
(Hereafter S.C.)
11. S.C. August 7, 1970
12. S.C. August 21, 1970.
13. S.C. August 24, 1970.
14. S.E. August 22, 1970.
15. San Francisco Examiner, August 24, 1970.
16. S.C. August 24, 1970
17. Ibid.
18. Ibid.
19. Los Angeles Times, August 26, 1970.
20. San Francisco Examiner, August 24, 1970.
21. San Francisco Examiner, August 25, 1970.

22. S.C., August 27, 1970.
23. S.C., August 26, 1970.
24. CSC
25. S.C., August 22, 1970.
26. Statement of Safeway Stores, Inc., February 1973.
27. Conversation with Paul Englund, Salinas California, March 13, 1970.
28. CSC, p.8.
29. S.C., August 22, 1970.
30. Don Razeo, California Farmer, February 3, 1973, p.7.
31. Conversation with William Graml, Western Conference of Teamsters, February 12, 1973.
32. Don Razeo, p.7.
33. Ibid.
34. C.B. Christensen, Director, California Department of Agriculture, August 2, 1972 press release.
35. Safeway statement, February 1973.
36. CSC, p. 51.
37. CSC
38. CSC, p.7.
39. Interview with Einar Mohn, February 5, 1973.
40. Interview with Jerry Kay, UFW Salinas Organizer, February 9, 1973.
41. Don Razeo, p.7.
42. Safeway statement, February, 1973.
43. Spokesman for the Western Growers Association, February 6, 1973.
44. UFW member, Salinas, February 9, 1973.
45. Interview with Herman Weber, January 25, 1973.