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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

23

HERMILO MOJICA, et al.,
Plaintiffs,
vs.
UNITED FARM WORKERS OF
AMERICA, AFL-CIO, et al.,
Defendants.

No. C82-0512 WAI

DECLARATION OF MARIO BUSTAMANTE

I, MARIO BUSTAMANTE, state as follows:

1. I have been a member of the UFW since 1969 and have worked at Green Valley since 1977.

2. I first met Cesar Chavez in 1970 when he came to speak in Salinas. He was asking for help in organizing the valley. I decided to help the union. I was working at Merrill Farms at that time. I worked for that company for five years. As a result of my organizing efforts I was fired. I went Sacramento to help the UFW in its lobbying efforts. I helped coordinate the march that went from Paso Robles to Salinas. That same year we had elections for a ranch committee and I was elected to president. Meanwhile I helped after work in an organizing campaign to help get union contracts in many Salinas companies. In December 1978, at Cal Coastal in Blythe I was elected Vice President of the ranch committee. Whenever Cesar called me, I was there.

1 I tried to help the UFW at all times, including losing my job
2 when necessary. I was elected president of the committee at Green
3 Valley before the paid representative position existed. I would
4 work in the fields all day and then go to the union office to
5 take care of union business and talk to the workers. I helped
6 in many organizing campaigns. I did all these things either after
7 work or instead of work. I did not receive nor did I expect any
8 monetary compensation. I don't know how I can be accused of being
9 a traitor and trying to destroy the union when I have done nothing
10 for 12 years but work for the union. My father was also a hard
11 worker for the union. He died four years ago and was wrapped
12 in the UFW flag. The other Plaintiffs and I are the pioneers of
13 the union.

14 3. I have always worked very hard and have tried my best
15 to represent the workers at Green Valley. Making the union strong,
16 because it has greatly improved the conditions of the farm workers,
17 has always been my first priority. That is why I was hurt very
18 much when my efforts, along with the Plaintiffs and others, to
19 improve the union, were met first with suspicion and later with
20 repression.

21 4. Many disagreements that the Plaintiffs had with the
22 union leadership came to a head around the administration of Medical
23 Plan. We had felt for some time that the UFW should assume a
24 more professional attitude towards its administration. We believed
25 that the union should rely less on volunteers and more on paid,
26 trained staff. In short we felt that the needs of the workers
27 would be best met by an efficient and carefully run organization
28 rather than by a family type structure. It appears that another
29 one of the drawbacks in the family structure is its intolerance
30 of different opinions. The union has always been run according
31 to the views of the President, Cesar Chavez. It became unable
32 to deal with dissenting opinions. There can be no doubt that

1 the other Plaintiffs and I were removed because Cesar perceived
2 us to pose some kind of threat to his stronghold on the UFW, not
3 because we failed to do our jobs.

4 5. I went to the camp where the workers met the bus every
5 morning at about 5:30 a.m. before the buses would leave for the
6 fields. There in consultation with the workers and the stewards
7 I would determine which crews needed my attention the most. I
8 would spend the rest of the day in the fields meeting with the
9 workers and then go to the union office to do paper work and con-
10 duct meetings.

11 6. The description of the June 1981 incident found in the
12 Declaration of Rogelio Carmona and Jose Alvarez is misleading.
13 What actually happened was that some of the loaders were suspended
14 for drinking on the job. Apparently some bottles were place between
15 the boxes and the glass broke and got into the boxes. The company
16 was going to fire them but I convinced the company to give them
17 another chance and just suspend them. The company records will
18 confirm my version of the facts.

19 7. The unilateral change in working conditions described
20 by Carmonza and Alvarez was in fact negotiated. At the time in
21 question, many of the companies including Green Valley instituted
22 a change in the loading system. Until that time three loaders
23 were paid \$.08 per box. The companies added another loader to
24 the crew. I insisted on negotiating an increase in the amount
25 paid per box. The company finally offered an additional \$.02
26 per box and the workers agreed to accept the offer. Through my
27 efforts, Green Valley was the only company that had any negotiations
28 and any increase in pay.

29 8. A long standing conflict with the loaders involves the
30 division of a negotiated wage increase. At negotiations during
31 Spring, 1980 a wage increase for all the crews was won. The mem-
32 bers voted on how to divide it among the crews. The loaders were

1 dissatisfied with the vote and continually pressured me to change
2 it. I invited them to attend a membership meeting and put the
3 problem to the members for a vote. The money belongs to the work-
4 ers and was not mine to give.

5 9. I did not challenge Jose Ruiz to a fight as stated in
6 his declaration.

7 10. I did not conduct "private meetings" with the company.
8 If Mr. Marguez saw me at the company office it could only have
9 been when I was there on personal business.

10 11. The circumstances surrounding the grievance filed
11 against me by the company are as follows: Ramon De Real is a
12 foreman at our ranch. The workers have consistently had problems
13 with this foreman and most of the grievances that have been filed
14 by the workers were about this foreman. One day I was in the
15 fields and found Ramon De Real yelling and screaming at one of
16 the workers. I told De Real to stop picking on the man who was
17 intimidated and afraid of losing his job. I told him that I
18 wouldn't permit him to abuse the workers anymore. De Real started
19 to approach me menacingly. I told him that if he was going to
20 hit me we'd better step away. He turned around and ran yelling,
21 "Mario wants to hit me." Luis Fuente, another foreman came over
22 and said that he knew that De Real was causing trouble but why
23 didn't I just leave and file a grievance. I agreed and left.
24 The company suspended me for three days. I filed a grievance
25 but it was not pursued because shortly thereafter I was removed
26 as representative.

27 12. When David Martinez, Oscar Mondragon, Lupe Bautista
28 and Gilbert Rodriguez were in Salinas to talk about the Medical
29 Plan, I was upset they allotted only three days to work on the
30 Medical Plan problems. I wanted them to go to the fields but
31 they hadn't enough time to talk to the workers. When Gilbert
32 and Lupe came to Green Valley I would take each worker's place

1 in his job so he could talk to them. They stayed for three days
2 and left.

3 13. One day, as usual I went to the union office to pick
4 up a gas voucher from Connie, the secretary. She told me that
5 Oscar said I couldn't have any more. At that point Oscar walked
6 in and I asked him to put his order in writing. He then told
7 Connie to give me the voucher but to write down that I don't follow
8 instructions.

9 14. In December of 1980 I was working at the union office
10 when I overheard Lupe Bautista, Jesus Silva and two other men
11 saying that I was engaging in favoritism for dispatches. I went
12 over to them and said that I dispatched workers purely by seniority.
13 The two men proceeded to beat me up and broke a chair in my face
14 breaking my nose. Upon information and belief, that evening Oscar
15 Mondragon gave them dispatches as a reward for beating me up.

16 15. I conducted membership meetings at least every month.
17 There would be more if needed. I explained the Medical Plan to
18 the workers many times as a group and innumerable times individually.
19 I explained that the Credit Union did not exist in Salinas because
20 the union could not find volunteers to staff it.

21 16. I turned all the grievances over^{to}/Oscar when I was
22 removed. I offered to let the Vice President Jose Garcia copy
23 my notes if he wanted but he never asked to do so.

24 17. As far as the CPD goes, I merely told the workers that
25 I was revoking my CPD authorization and that they could if they
26 wanted. The reason I revoked my authorization was because I felt
27 that Dolores Huerta, the union's lobbyist was not using the money
28 to further the interests of the workers.

29 18. The Medical Plan cards that were found in my office
30 after I was removed can be explained in one of several ways. None
31 of the people listed in Jose Rubio's Declaration work in Green
32 Valley. Some of them I recognize as working in the Imperial Valley.

1 Frequently people would leave their cards in the office and not
2 return to pick them up. Also the workers may not have been on
3 the seniority list. Further, I routinely left the cards that
4 needed to go to La Paz in a basket designated for mail to La Paz.
5 If they didn't get picked up it was the fault of that system.
6 If I couldn't locate workers for any of the above reasons, I held
7 the cards in case they came looking for them.

8 19. At the UFW convention in September, 1981 the Salinas
9 delegates were seated in the back while the microphones were in
10 the front. Often by the time Salinas delegates arrived at the
11 microphone to speak the lines would be prohibitive. Once when
12 I did get to the microphone a man came up to me and showed me
13 that he had a gun pointed at me. I believed that I was getting
14 a message from the union leadership not to speak. Upon information
15 and belief, Plaintiffs Mojica, Perez and Zambrano also saw the
16 man with the gun. Later, I saw this same man accompanying Dolores
17 Huerta at a meeting in Salinas.

18 20. Shortly after I was removed I told the workers that
19 I thought it would be best if they would elect a new president
20 in my place. I felt that I could not do the best job representing
21 the workers under the circumstances. In effect, I resigned from
22 my position as president.

23 21. During the last week of the 1981 season some ranch
24 meetings were held. I thought it would be best if I didn't attend
25 these meetings because members of the National Executive Board
26 were going to attend. I explained this to the Vice President
27 of the ranch and asked him to convey this. The next day the
28 petition was circulated and the new representa-
29 tive told the workers that I refused to attend the meetings any
30 more so I needed to be replaced as President. Attached hereto
31 as Exhibit A are petitions which have been signed by workers at
32 my ranch explaining that they didn't mean to sign a petition to

1 remove me.

2 22. I have never privately or publicly supported a decerti-
3 fication of the union. I would never do anything to harm the
4 interests of the UFW members. I participate in this lawsuit
5 because I feel that it is the only way to encourage democracy
6 within the union.

7 I declare under penalty of perjury that the foregoing is
8 true and correct and that this Declaration was executed on May
9 17, 1982 at Salinas, California.

10
11
12 Mario Bustamante
13 MARIO BUSTAMANTE

14 I, Ricardo Gonzalez declare under penalty of
15 perjury that I am fluent in Spanish and English and that I read
16 the foregoing to the declarant in Spanish and he affirmed its
17 contents before signing. Executed this ____ day of May, 1982
18 in Salinas, California.

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21 Ricardo Gonzalez
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