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# Changing Agricultural Labor Laws in California: The Struggle for SB 1736

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## CHAPTER NINE

# Changing Agricultural Labor Laws in California: The Struggle for SB 1736

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### INTRODUCTION

In 1975, Governor Jerry Brown signed the landmark Agricultural Labor Relations Act (ALRA) in California giving farm workers the right to organize, the right to elect their own union representation, and the right to bargain for labor contracts. Since the 1970s, growers in California have tried to erode the Act by not negotiating in “good faith” with workers who elected the United Farm Workers (UFW) as their union representatives. California Senate Bill 1736, sponsored by Representative John Burton (D-San Francisco), would have provided binding arbitration to the ALRA, forcing growers to the table, some of whom had been stalling on union contracts for almost thirty years, essentially nullifying the act.

The Agricultural Labor Relations Act was designed to ensure peaceful negotiations, stable agricultural labor relations, and a degree of justice for farm workers through due process, and to enforce the rights and responsibilities of both growers and workers. The act created the Agricultural Labor Relations Board (ALRB) to conduct secret ballot elections on whether or not workers wanted to organize, and by whom they wished to

be represented. Second, the ALRB was to prevent and remedy unfair labor practices that hindered the right to self-organization and collective bargaining.<sup>1</sup> However, the ALRB lacked an enforcement mechanism to ensure good-faith bargaining, thus the need for SB 1736.

This paper provides a first-hand peregrino's account of the United Farm Workers' 165-mile march through the San Joaquin Valley in August of 2002. It will address the goals of the March and Senate Bill 1736. It will also address the outcomes of the march and the signature by Governor Gray Davis of replacement bills SB 1156 and AB 2596. This paper will discuss the oral and literary aspects of the march in six categories: chants; songs; plays; poetry; speeches; and prayer. This paper addresses the war on workers' rights waged by agri-business since the inception of the UFW almost four decades ago. It also demonstrates how the tried and true tactics of the Chicana/o Movement are still viable in the twenty-first century global economy.

## **THE MARCH FOR THE GOVERNOR'S SIGNATURE**

On Thursday August 15, 2002, as co-coordinator of Chicano Studies at California State University Chico (CSUC), I brought my 3-year-old son to Merced, California to begin this historic 165-mile march with the United Farm Workers (UFW). Leading the march were UFW President Arturo Rodríguez, and UFW co-founder Dolores Huerta. This peregrinación, or pilgrimage, would become known as "The March for the Governor's Signature." Eventually, fellow NACCS member Dr. Paul López of CSUC joined, along with CSUC alumni César Lara. MEChA students from CSUC also marched on the last day, with 5,000 others, and helped keep vigil at the state capitol in Sacramento until Governor Gray Davis signed important amendments to the state's Agricultural Labor Relations Act (ALRA). Thirty-six years earlier, César Chávez had walked this route, bringing farm workers' plight to the Governor's office. In 2002, it was once again time for the UFW to march to bring attention to the abuse of farm workers' rights under the ALRA.

At the time of the sponsorship of SB 1736, three-quarters of California's farm workers still earned less than \$10,000 per year, and nine out of ten workers still had no health coverage.<sup>2</sup> Clearly, more needed to be done. The march began because Governor Davis' office indicated the Governor would veto the bill despite previous promises to sign it. So, the UFW employed this effective strategy for gaining attention and putting pressure on a Democratic governor who had been elected with Labor and UFW support.

Under César Chávez's leadership, the UFW sparked many important changes in agricultural labor laws and practices in California and throughout the United States, such as:

- one of, if not the first, successful collective bargaining agreements between farm workers and growers (Schenley);
- union contracts requiring rest periods, drinking water, hand-washing facilities, and protections against pesticides;
- farm labor contractors (enganchistas) and guarantees on seniority, job security, a pension plan (Juan de la Cruz Pension Plan), and health benefits (Robert Kennedy Farm Workers Medical Plan);
- the first union contracts to provide profit-sharing, parental leave, and protections for female workers from discrimination and harassment;
- abolition of the short-handled hoe, also known as "el cortito."

Thus, the enforcement mechanism being added to the ALRA by the UFW was just a logical continuation of the many UFW struggles and gains over the past three decades.<sup>3</sup>

The march route taken by the peregrinos covered 10 to 20 miles a day, as follows:

- Thursday, August 15, 2002--Merced to Livingston;
- Friday, August 16, 2002--Livingston to Turlock;
- Saturday, August 17, 2002--Turlock to Modesto;
- Sunday, August 18, 2002--Modesto to Manteca;
- Monday, August 19, 2002--Manteca to Stockton;
- Tuesday, August 20, 2002--Stockton to Lodi;
- Wednesday, August 21, 2002--Lodi to Galt;

- Thursday, August 22, 2002--Galt to Walnut Grove;
- Friday, August 23, 2002--Walnut Grove to Hood;
- Saturday, August 24, 2002--Hood to César Chávez Plaza (Sacramento);
- Sunday, August 25, 2002—César Chávez Plaza to state Capitol.<sup>4</sup>

Each day of marching began with mass and ended with a rally, mass, and dinner at a local church or union hall. Marchers were housed with farm workers and community members at the end of each night. Each day, lunch and beverages were provided along the route by supporters of the UFW, many of whom had been involved with previous boycotts or marches. During breaks, marchers played guitar and sang songs, read poetry they had written, and performed skits improvised while walking. Peregrinos, or marchers, came from all walks of life and for a variety of reasons. There were UFW members and workers, college students and faculty, famous Chicano Studies folks like writer Gary Soto, clergymen, and union members who were pipe-fitters, electricians, and corrections officers, just to name a few. Along the way, many state politicians and Hollywood celebrities joined, as did many of César Chavez's children, in-laws, and grandchildren. All the time we sang, chanted, waved flags, and always stayed five feet apart behind the white line of the shoulder.

On Sunday August 25, UFW supporters and thousands of farm workers from throughout the state joined peregrinos for a rally and celebration of the march's end. The following day, Monday August 26, hundreds carried SB 1736 to Governor Davis' office, along with a giant pen constructed of cardboard and carried along the route by "Don Francisco," a peregrino in his seventies. This day also marked the beginning of an irregular round-the-clock vigil on the capitol stairs until the anticipated signature of the governor.

After many days of public debates and speculation in the media about the possible veto of SB 1736, two related bills were crafted in conjunction with the Governor's office and introduced: SB 1156, also sponsored by Senator John Burton, and AB 2596, sponsored by Assembly Speaker Herb Wesson (D-Los Angeles). The bills called for mediation in place of binding arbitration, and the inclusion of a controversial five-year "sunset" clause, or expiration. The growers claimed it was "the same gift in a different package." The

two bills also capped the number of mediations at 75, or less than 1/1000 of a percent of the state's estimated 86,000 farms. Eventually, Governor Davis indeed vetoed SB 1736 and signed the compromise bills SB 1156 and AB 2596, providing for 30-60 day negotiations with an agreed-upon panel of mediators. It was a victory for farm workers and labor in the state. It again raised the standard for other state governments, and the federal government as well, but left a bad taste in the mouths of workers who had to march to remind the Governor of his campaign promises.

The new law took effect January 1, 2003 and a full set of regulations for implementation could be ready in April 2003. Growers fought for and lost the right to exclude ALRB subpoenas of their financial records (although there are limits), and to limit information requests from parties other than the union or grower.<sup>5</sup> Also, the Western Growers Association and California Farm Bureau filed a lawsuit in the Superior Court in February of this year, claiming the law as unconstitutional. Growers claim the law violates their rights to property and equal protection in collective bargaining.<sup>6</sup> So, as with the ban on DDT and the short-handled hoe, and the adoption of the Agricultural Labor Relations Act itself, growers are once again claiming these new worker protections will be the death of agriculture in California. Some things never change.

But, what did change between César Chávez's march of this route and the March for the Governor's Signature 36 years later was significant.

First, public awareness and support had changed. Californians had benefited from almost four decades of UFW education and consciousness-raising. Dozens of anonymous supporters showed-up on roadsides, honked their horns, or distributed food and water they purchased. That's not to say we didn't see one-finger salutes or attempts to run us down in Lodi and Stockton, but the dominant sentiment was that if the UFW was marching, it must be something important. Many spontaneously joined the march or shared stories of their previous experiences with César Chávez or the union. There was so much support everyone joked this was the one march on which everyone actually GAINED weight!

Second, grower support changed. This time, small growers who supported the UFW, or growers whose workers signed with the UFW and had

contracts, marched *with* the UFW and made donations. There was less grower violence. As one veterano remarked, “the chicken-shit growers used to shoot from the vineyards.” Now growers applied more subtle pressure on Governor Davis’ office directly by donating over \$100,000 the week before the march began.

Third, police support changed. Again, if we think back to the 1960s and 1970s, the police were the first to crack down physically on striking or boycotting farm workers, doing the work of the growers. This time the California Highway Patrol (CHP) assigned two officers who worked in conjunction with local law enforcement to ensure the safety of the peregrinos and those who stopped or slowed to show their support. The CHP also wisely assigned bilingual Chicano officers, union members themselves, to go the distance. They entertained bored children, ate meals with the peregrinos, and encouraged us with humor over the loudspeakers on long afternoons, such as asking: “who wants to run the last mile?” When we arrived in Sacramento on Saturday evening, August 24, 2002, one officer announced: “Welcome home, Raza. It’s been an honor to work with you.”

And fourth, government officials took aggressive public stands against a governor from their own party. Members of the Latino Caucus of the California State Legislature, such as Dr. Gloria Romero (D-Los Angeles), Marco Firebaugh (D-Southgate), Martha Escutia (D-Montebello), Richard Alarcon (D-San Fernando) marched, as did State Treasurer Phil Angelides, to name just a few. Attorney General Bill Lockyer donated cases of bottled water that bore his name, the UFW eagle, and the phrase “Si Se Puede,” on neon labels. Granted, all politically astute moves in an election year, but the acknowledgement that farm workers, and Latinos/as in general in California, need to be recognized and addressed to survive in state politics. The March for the Governor’s Signature demonstrated a greater awareness that catering to growers with large bank accounts alone is not going to be enough anymore.

These are some of the outward details of The March for the Governor’s Signature, but the personal and historic experiences of marching and keeping vigil are perhaps the more interesting stories.

Chants and shouts have been a vital part of the UFW since its inception. Familiar ones such as *Si Se Puede* (it can be done); *Huelga* (strike); or *Se Ve, Se Siente, El Pueblo Está Presente* (the community is present to witness and testify); on the long march occasionally transformed into the similarly sounding *Agua* (water), when the water truck passed, or *Se Ve, Se Siente, El Baño Está Presente* (loosely translated, the bathroom is finally here), when the toilet truck finally stopped. Other pieces of folk wisdom circulated up and down the line surrounding these common amenities, such as what you should do if the bathroom truck takes off with you still inside the porta-potty. The answer, of course, was put down the lid!

Music and songs were also an integral part of each day. Music played from the loudspeakers of the UFW radio station, *Radio Campesina*, helped pass the long miles. Traditional UFW songs such as “*De Colores*,” or “*We Shall Overcome*,” were daily standards. Occasional cumbias or polkas were also broadcast to pick up the pace. During lunch or dinner breaks many peregrinos played guitars and sang corridos or ballads.

A theater group also formed during the 10-day march: *El Teatro Peregrino*, *The Pilgrims’ Theater*, composed mostly of college students. During breaks they performed self-scripted pieces that dramatized and satirized daily life as we had come to know it.

There was also poetry. Sacramento’s Brother Phil Goldvarg wrote many inspiring poems and read them at breakfast or lunch. He distributed copies in the morning with pictures of César Chávez or Dolores Huerta adorning the pages. On photocopies he made himself, dated August 17, 2002, Brother Phil distributed “*La Marcha de Agosto ~2002, Merced to Sacramento, SB-1736 Si Se Puede*”:

*gente’s feet drum la tierra,  
gritos fill day’s air  
con sueños y esperanzas,  
UFW is on the march  
for justicia y arbitration,  
a fair deal at la mesa,  
campesinos llenos con Corazon*



*almas fuertes  
con banderas de argullo,  
a black Tagle flies above,  
wings singing si se puede,  
we know it's César,  
the miles fall like wounded oppressors,  
each step leads to a promise,  
in resistencia lives el poder de nosotros,  
veteranos y jovencitos  
walk side by side,  
passing consejos y sueños nuevos,  
la lucha is never ending,  
each day a move to survival,  
somos juntos,  
gente del sol.  
workers of this earth,  
gritamos justicia,  
fair mediation,  
option of arbitration,  
we drum la tierra  
shout to growers and opposers,  
our sueños will be reality.<sup>7</sup>*

And finally, there were hundreds of speeches, and dozens of masses and prayers, in English and in Spanish. They were improvised, impassioned, and the result of years of practice. Speakers continually reminded us of the significance of our efforts and kept us going as life became increasingly painful and surreal. Dolores Huerta, Arturo Rodríguez, John Burton, Richard Alarcón, Gloria Romero, Bishop García, and many others made great speeches urging us onward in our effort. One of the most memorable mid-day talks was by Dolores Huerta when introducing President Pro-Tem John Burton outside Walnut Grove on one of the hottest and longest days of the march. Dolores noted in Spanish that John Burton told her that when he got into office he wasn't going to forget where he came from and "no voy a chingar a la gente pobre!" (I will not screw the poor). Even the monolingual peregrinos needed no translation as an uproar of laughter and applause erupted from the tired marchers.

There was the daily interaction with fellow peregrinos: jokes about dogs in passing pickup trucks (one day Brother Santos commented on a ferociously barking chocolate Labrador retriever in the back of a truck by noting that it was a “Chicano dog. It’s brown and has attitude!”); discussions of workers we passed picking pears; and speculation about whether or not the Governor cared about a bunch of Don Quixotes walking in the hot August sun. While many people were excited to talk with author Gary Soto and tell them how much they enjoyed his work, he was asking people their stories and why they were marching, taking in every detail of their words and actions, and making mental notes surely to be used in some future literary masterpiece. Every day when asked how she was feeling, Dolores Huerta would say the same thing: “Oh, I’m fine. I’m just walking. This isn’t hard work. Hard work is what the people in the fields are doing...” UFW President Arturo Rodríguez gave interviews on National Public Radio (NPR) from his cell-phone while hiking along. Could César have envisioned Chicanos on cell-phones on the picket line? It was these types of personal interactions and orality that kept us walking five-feet apart, behind the white line of the shoulder, for 165 miles.

## Endnotes

1 For more information about the Agricultural Labor Relations Board and Agricultural Labor Relations Act, including the current implementation status of SB 1156 and AB 2596, visit the Boards webpage located at <http://www.alrb.ca.gov>.

2 For more information on the current situation of California’s farm workers, visit the official union web page at <http://www.ufw.org>.

3 For more information about UFW contributions, visit <http://www.ufw.org>.

4 For more information on the route of “The March for the Governor’s Signature,” or to view newspaper accounts of the march, visit the UFW’s web page at <http://www.ufw.org>.

5 Lesli A. Maxwell, “Rules set to guide farm contract law,” *Fresno Bee*, published March 3, 2003, accessed on March 26, 2003 at <http://www.fresnobee.com/local/v-print/story/6314276p-7264022c.html>.

6 Jake Henshaw, “Farm groups challenge new labor law,” *Visalia Times Delta*, published February 25, 2003, accessed on March 26, 2003 at <http://www.visaliatimesdelta.com/news/stories/20030225/localnews/1055719.html>.

7 Ms possession of author.