

Farmworkers taking union to court

WASHINGTON, D.C. — Twelve California farmworkers are suing their union, the United Farmworkers of America (UFW), charging the UFW with oppression, fraud, malice, and violation of their constitutional rights. They are also asking the court to strike down a California law that allows the union to have almost absolute power over farmworkers by requiring full membership in the union as a condition of employment.

Headed by Cervando Perez and Giles Breaux, the workers filed their complaint September 5 in Superior Court for the County of Monterey. They charge the UFW, headed by Cesar Chavez, with forcing them to pay money to the union to use for political purposes with they disagree. They claim that in doing so—and in the way it was done—the UFW violated their rights of free speech and association.

The workers are supported in their suit by the National Right to Work Legal Defense Foundation. In addition to two of the workers asking for damages of \$1 million each,

the plaintiffs are asking the court to require the UFW to cease confiscation of their money for political purposes.

The suit is the result of a UFW procedure to raise money for its political treasury — the Citizenship Participation Day Fund (CPD Fund). The CPD Fund provides money to candidates, propositions, and legislative initiatives backed by the UFW.

Previously, UFW contracts with employers provided that the first Sunday of every June would be "Citizenship Participation Day." Workers would receive holiday pay for that day and could either remit it to the CPD Fund or keep it for their own use.

In August 1977, however, the union leadership passed Resolution 45 requiring all employees working under CPD provisions to remit, or have the employer remit for them, the holiday pay to the CPD Fund.

While Resolution 45 did not change union contracts saying workers may keep their holiday pay, Section 1153 (c) of the California

Agricultural Labor Relations Act gives union leaders the tools they need to force workers to comply with their commands. Section 1153 (c) permits unions to have contracts with employers requiring agricultural workers to be members in good standing of the union to keep their jobs. The union is the sole judge of whether a member is in good standing.

Beginning in June 1978, the UFW began a campaign against independent-minded workers to enforce its authority. One of the plaintiffs, Cervando Perez, was charged by the UFW with failing to give his holiday pay to the CPD Fund. The union leadership declared him not to be a member in good standing and ordered his employer, West Coast Farms, to fire him. On July 26, West Coast Farms fired Perez.

On August 31, Giles Breaux was also expelled from the union and is faced with imminent loss of his job. Other plaintiffs in the case also refused to give their holiday money to the union political fund. They are now threatened with being thrown out of the UFW, which will mean discharge from their jobs.

The workers are asking the court to restore them to their jobs and to remedy the union contracts and California law that brought about their situation. They want the court to declare Section 1153 (c) unconstitutional since it allows the union to absolutely control whether an employee is a member in good standing and therefore entitled to keep his job. This, they charge, abridges their right of free speech and association guaranteed by the First and Fourteenth Amendments to the U.S. Constitution and Article 1, Section 9 and 10 of the California Constitution.

The Union policy, they say, forcing them to support with their money political causes they don't approve of, violates the same constitutional guarantees. The workers want the court to order the UFW to rescind Resolution 45, which enacted confiscation of their holiday pay, and to return all money collected under the resolution.

Finally, two of the workers charge the UFW with "oppression, fraud, and malice" in its treatment of them. They are asking the court to award them each \$1 million exemplary damages to discourage the union from attempting similar schemes in the future.

Commenting on the case Chairman Thomas J. Harris of the National Right to Work Legal Defense Foundation compared UFW bosses to slaveholders. "Many of these workers are unskilled. If they can't work as farm laborers, they can't work at all. Under the arrangements the UFW has with employers, the union officers have absolute mastery over the lives and livelihood of workers. That's slavery."

"We'll do all we can to reinstate these workers in their jobs and to overturn the California law that permits such outrages."

The National Right to Work Legal Defense Foundation, established in 1968, is a charitable

organization. It provides free legal aid to wage earners whose rights have been violated as a result of compulsory members from all over the country and is presently supporting more than 80 court cases involving employees' rights.

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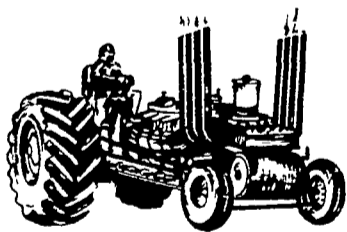
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