

A PERCEIVED ETHNIC FACTOR IN CALIFORNIA'S FARM LABOR CONFLICT: THE NISEI FARMERS LEAGUE*

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The farm labor conflict has been volatile for over three quarters of a century in California's rich agricultural valleys. The most recent years of this struggle have been associated with Cesar Chavez and the United Farm Worker's Union (UFW). A new element, the Nisei Farmers League (NFL), also emerged during the same time period. The NFL was formed in 1971 after some Japanese American farmers were picketed and their property damaged by persons sympathetic to the UFW. These growers charged that they had been "singled out" by the UFW in their area. Their ranches are located in central San Joaquin Valley in Fresno and Tulare Counties.¹ The group was formed to counter the United Farm Workers Organizing Committee's efforts to unionize local farm laborers.

The Nisei (Japanese geogenerational label for the first generation born in the United States) farmers are of interest for several historical, sociological, and psychological reasons. First, they represent one of the significant "cores" of the Japanese American subculture inasmuch as their method of earning a livelihood, and probably their lifestyle, most closely

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¹Fresno County is the richest, agriculturally, in the State of California. The State, in turn, leads the nation in the value of its agricultural output. Tulare County is the third richest, following closely Kern County (California Department of Food & Agriculture, 1975).

resemble that of the original Japanese settlers who generally worked in agriculture (Kitano, 1976; Tanaka, 1976). These early settlers, who were originally farm laborers, then tenants, and finally farm owners, were a significant factor in making California agriculture the most productive in the nation (Iwata, 1962). Secondly, the Japanese American growers currently are economically and politically pitted against a group, the UFW, whose members occupy a position in the social structure similar to the one they did a little over a half century ago. Thirdly, they are a group who appear to have a dramatically different lifestyle and value system, as compared to the numerically small, but influential, "third world oriented" Japanese American urban youth with whom they sometimes come in conflict inside the ethnic community.

Although, according to the 1970 Census, only 10 percent of Japanese Americans currently work in agriculture, forestry, and fisheries (U.S. Department of Health, Education, and Welfare, 1970), their historical impact on agriculture, particularly in California, has been much greater than this figure would indicate. After immigration began in significant numbers in the 1890's, a large number of Issei (geogenerational term for immigrant generation) gravitated to farm labor because of their experiences in farming in Japan. Specifically, in the Fresno area, it is estimated that the Japanese comprised 60 percent of the grape-harvesting force and that 4,000 to 5,000 Japanese farm workers migrated to the area during the harvest season (U.S. Immigration Commission, 1911).

The first farmworkers union in California was the result of a strike by Japanese and Mexican sugar beet workers in Oxnard in 1903. Approximately 1,000 Japanese and Mexican workers went out on strike for higher wages, for improved working conditions, and to eliminate labor contractors (Jamieson, 1943). They formed a union, the Sugar Beet and Farm Laborer's Union of Oxnard, with a Japanese President and Vice-President and a Mexican Secretary. The workers were successful in increasing wages and improving conditions. The union subsequently applied to the American Federation of Labor for a charter, and the President, anti-Asian Samuel Gompers, replied, "Your union must guarantee

that it will under no circumstances accept membership of any Chinese or Japanese." The Secretary replied, in turn, that they, the Mexicans, would not accept any charter that had racial qualifiers (Foner, 1964).

Moreover, in 1908 a socialist-oriented Japanese labor union, the Fresno Rodo Domei Kai (Fresno Labor League), was formed with an estimated 2,000 members. The members of the League were successful in controlling the flow of Japanese laborers to the few Japanese contractors who cut the rate agreed upon by the Japanese labor contractors organization, the Central California Contractors Association. The Labor League died in 1910 because of a hostile Japanese-language press, Japanese community opposition which labeled it anarchist, litigation expenses, and the general difficulties in organizing a transient labor force (Ichioka, 1971).

As the Japanese were ambitious and wanted to become independent producers, and since they made high profits for their landowners, they were often sought out as tenants. Moreover, they frequently pooled their resources and formed partnerships which speeded up their transition from farm laborers to share tenants (Kitano, 1976). In 1900 there were only thirty-nine Japanese farmers in the entire United States, but by 1910, there were 1,816 in California alone. Subsequently, even though many discriminatory hurdles, such as the Alien Land Laws of 1913 and 1920, were placed in their path, they continued to work their way up the economic structure by either leasing or buying land in the name of their citizen children. By 1941, the Japanese grew 30 to 35 percent of California's produce by value. They also grew significant proportions of grapes, treefruits, and nuts. They controlled 65 percent of the flower industry (Iwata, 1962).

As noted earlier, one of the chief protagonists in the current growers' fight against the UFW is a group of independent small farmers called the Nisei Farmers League.² This group was formed in June, 1971, when the

²At this time, the NFL is forming chapters in Southern California.

UFW was perceived to have consciously selected the Japanese American farms (in the Fresno-Tulare County area) to picket. Moreover, some of these ranches were vandalized (although the source of the vandalism has never been adjudicated). The NFL claims that fourteen out of the seventeen ranches picketed in the area were Nisei operations. It is widely believed by the members of this group that the UFW felt (either at the local or higher levels) that the Japanese would be easy organizing targets because of their general lack of resistance to being relocated to concentration camps during World War II. The President of the NFL, Harry Kubo, claims that in a meeting he had with Cesar Chavez on July 8, 1974, in Fresno, Chavez told him that this was the case. However, no strong independent evidence has been produced on this issue, and the UFW leadership generally denies this racial/ethnic strategy.

In 1971 the slightly more than one hundred members of the NFL were nearly all Japanese American. However, as it rapidly grew to its present (1976) size of over 1,500 members, it became more "integrated."³ It has never had a "Japanese only" policy. Currently, approximately 40 percent of its membership is of Japanese ancestry. The remainder are mostly white with the greatest number being of Armenian and Scandinavian descent.

The publicly stated objectives of the organization are: "(1) to protect the rights of workers to self-determination without intimidation; (2) to support the free enterprise system and the rights of ownership resulting from one's efforts; and (3) to offer mutual aid when a member is subjected to harassment by hordes of 'imported pickets'" (Souder, 1976).

As a direct response to the picketing of their ranches and the vandalism incidents, the NFL formed what came to be called the "picket patrol." This was a counterpicketing operation which would follow the UFW pickets and stand between them and the laborers working

³The NFL had 125 members in 1971, 500 in 1972, 800 in 1973, 1,100 in 1974, and 1,400 in 1975. Virtually all of the Japanese growers in the area are members.

at a ranch. The normal size of the picket patrol was 50 to 100 growers. The patrol became coordinated with a 500-radio citizens band net. Typically, the movement of the pickets was reported from various predawn locations to the NFL headquarters which then synthesized and relayed the messages. When a convergence pattern was detected from reports of the direction-of-travel of the picket cars, the base station would direct the patrol toward the ranch which was likely to be the pickets' target. The UFW pickets would sometimes try to mislead the growers and the three or four Fresno County Sheriff cars which were assigned to monitor and control the situation. On many large ranches, security guards were hired to protect the property. This was not economically feasible for many of the small NFL ranches. In 1976, the mean size of an NFL ranch was fifty-three acres. The average size of a California farm in 1975 was 571 acres (California Department of Food and Agriculture, 1975).

Usually, the pickets would take over one side of the road and the NFL members the other with the Sheriff's force separating them. The mood on the picket lines ranged from sometimes friendly when the groups would casually merge and when a few growers and UFW members would engage in friendly banter, seemingly trying to convince the other of the correctness of their cause, to various levels of hostility indicated by such antagonistic behavior as a farmer shining a flashlight into the eyes of a picket in the predawn darkness, a picket gesturally threatening to kick in the door of a farmer's car, and the shouting of various obscenities. Sometimes tires were punctured with caltrops (four-pronged spikes). These are derisively called "Cesar's stars" by many of the growers. In the early morning darkness, when a picket would mistakenly drive onto the "farmers' side" of the road, he would usually be met with hostile stares and muffled remarks. When a farmer drove onto the "pickets' side," he was "greeted" with intimidating chants of "*huelga*" ("strike") or "*viva la huelga*" ("hooray for the strike"). Most of the time the mood was one of mild tension. When the UFW pickets moved to another ranch, a frantic and disjointed caravan of pickets, farmers, and sheriffs would form.

Sometimes the UFW picket captain would engage in various bits of histrionic rhetoric which would have an ethnic character to them--for example, using the epithet "*Chappos*" ("Japs") and discussing the World War II evacuation in a way that angered the growers (a common theme was "why do you support the white growers when they put you into the concentration camps?").⁴ Most of the time the picket captain would, in Spanish, focus his attention on the workers in an attempt to get them to stop working or to slow down. Few workers actually left the fields and joined the pickets.

It appears that the rhetoric and behavior of the UFW on the picket line was one of the farmers' primary bases of evaluation of the Union since it was the only place that many of the growers had any actual contact with representatives of the UFW. Clearly the picket captain was likely to use a strong message in an attempt to persuade, cajole, or intimidate the workers in the fields to join the pickets or slow their work speed, with the consequent economic leverage on the grower. From the Union's perspective, his job was, at times, a rather difficult one as he had to keep the pickets active to have an effect, and at other times restrain them so that the situation remained controlled. On the other hand, if one listens to the growers talking among themselves on the picket line, it is clear that many of them have a paternalistic and discriminatory attitude toward Chicanos and Mexicans. Most see the pickets as lazy "professional pickets" who do not want to work.

The picket patrol also served as a grower morale builder as it provided the farmer whose ranch was being picketed with a feeling of security and comradeship and the counterpickets with a common superordinate goal. On the patrol, most of the members would wear similar blue mesh baseball caps which had a patch on the front

⁴Interestingly, some UFW members and observers have reported that the farm workers thought the Japanese growers would be more sympathetic to their position because of the discrimination they had been exposed to before and during World War II.

declaring "Freedom, *Libertad*." The patrol would go to both NFL and non-NFL ranches. In October, 1974, the UFW attempted to sue the NFL and the Central California Farmers Association for five million dollars, charging harassment aimed at crippling strike efforts in Fresno and Tulare Counties. Specifically, they sought an injunction to halt such alleged harassing tactics as patrolling struck farms, following strikers home, and operating a private patrol without a state license. Subsequently, in 1975, an injunction was handed down which set guidelines for the counterpicketing operations.

A reasonable evaluation would probably be that the NFL counterpickets did prevent some intimidation of workers, vandalism, and perhaps even violence. The other observers and media probably did likewise, keeping all of the parties on their best public behavior. In addition, it also channelized and controlled some of the growers' frustration and fear.

Among the Japanese American growers, there is the pervasive feeling that Chavez's goals are very different from his publicly professed ones. Furthermore, they perceive that the media has been "taken in" by him. Many of the growers feel that the UFW is a "Communist front" organization. Some of the more articulate ones make remarks noting, for instance, that Chavez spent some time at the "Alinsky School of Revolution" in Chicago.⁵ A few growers even argue that this "front" is attempting to gain control of the food supply so that it can eventually "control the country." The majority of more moderate members are threatened by

⁵In fact, Chavez never attended an Alinsky "conflict organizing" school. However, he, like Fred Ross who first interested Chavez in community organizing, did learn concepts and tactics through occasional discussions with Alinsky (Taylor, 1975).

the "social" movement" aspects of the union.⁶ They feel that Chavez's union is more than a trade union, and they are fearful of those aspects that may change the current order. Particularly inflammatory is any suggestion of agrarian reform. Some common perceptions are that Chavez lives in a \$100,000 house in the isolated union headquarters in the Tehachapi Mountains, La Paz (in fact, he resides in an old frame house much less costly than the typical grower's), that he indulges himself in various luxuries when he is out of the public eye, and that he is surreptitiously bilking the union monetarily. This last charge appears to be highly unlikely because of the very close association he has with a number of his idealistic and dedicated workers at La Paz.

No doubt the most controversial act the NFL engaged in was its intervention in the White Rivers Farm strike in the Delano-Poplar area in August, 1972. White Rivers was a very important contract for the UFW, both symbolically and economically. The corporate ranch was the first one organized by the UFW in 1966. At that time, the huge 5,000-acre wine grape operation, the largest in the Delano area, was owned by the Schenley Corporation. Due to the potential impact of a boycott on their branded products, the Schenley Corporation signed a contract with the UFW, which had been renegotiated in 1968 and 1970. In February, 1971, Schenley sold the ranch to the conglomerate, Buttes Gas and Oil, for fourteen million dollars. The UFW's successor clause maintained UFW representation. Buttes also acquired the Sam Hamburg ranch near Los Banos, over 125 miles to the north. This was a different kind of farm, basically a mechanized row crop operation. By August, 1972, a number of factors were operating on both the

⁶At one level the UFW is a social movement inasmuch as it has addressed itself to other than traditional trade union concerns as evidenced by its generally successful attempt to build medical clinics, a retirement village, and to provide a variety of other "campesino" services.

union and the company. The union wanted to gain representation on the Hamburg ranch and slow down the increasing rate of mechanization of harvesting grapes at White Rivers Farm. The company wanted to rid itself of the controls and demands of the union. The grower-oriented Proposition 22 Initiative was coming up in November as was the renewal, in April, 1973, of the major grape contracts which had been signed by the UFW in 1970.

The NFL was contacted by White Rivers chief negotiator and Buttes' Vice-President, Andy Cangemi, in August after the strike had started. Unlike the pickets in the NFL area, the White Rivers strike was one where the majority of workers on that ranch, some 260 strong, had clearly walked off their jobs in support of the UFW. It was thus very unambiguous, at least in this situation, that the workers on the involved ranch were in favor of the UFW. This was never demonstrably clear on the picketed Nisei ranches in the Fresno area. Cangemi was able to persuade the NFL, after promising that White Rivers would not renegotiate with the UFW, to help by bringing in workers from the Fresno area. So even though the NFL was still young and relatively small, after considerable debate among its members they decided to supply and protect workers from the Fresno area. Many NFL members objected to the intervention on the basis that it would subsequently increase the UFW's tempo of activity against them in the Fresno area. The importation of these workers and the assistance of the NFL growers in early September at White Rivers Farm was the most important reason for the strike not "holding." The NFL actively intervened for five weeks.

This was a major confrontation as there were large numbers of strikers, pickets, and sheriffs; much vandalism; and many arrests, including arrests of illegal aliens who were working as strikebreakers. The UFW hiring hall and some of its people were attacked in Poplar. Chavez had to remove thirty-five of his people from the picket line for acts of violence. This NFL intervention was also supported by the Central California Farmers Association (an antiunion organization formed in 1960) and the Kern County Farm Bureau.

Why did the NFL get involved in this undertaking almost a hundred miles from their territory? Even though they rationalized their action by saying that they were providing work for laborers at White Rivers because a heavy March frost had significantly reduced the amount of farm work in their own area, the major motive was simply to weaken the UFW at this crucial time. Their anger, resentment, and fear were very high due to the picketing and vandalism of their farms the previous year. If it could be demonstrated that the UFW was defeatable here, they felt that they would be protecting themselves from the union in the future. Prior to 1971, many Nisei growers, who subsequently became members of the NFL, thought that the "UFW problem" would not directly affect them because of their size.

Soon after the strike was broken in November, 1972, Kubo made this statement in the trade journal, *California Farmer*:

Never again will we suffer the treatment which we went through once. We do not intend to lose our land to any group which works under the guise of a union. This is not a union which Cesar Chavez has put together. It's a revolutionary ideology. It is foreign to America. We will fight rather than lose our land. We helped White River in their fight against this ideology. We are not against a union which has the benefits of workers in mind. There are beneficial things which a rightful union can do by banding together. But these things are not what this band of militants will do for workers.

Subsequently, over the years, Kubo has reduced the vitriolicness of his public statements.

A small number of Japanese grape growers did sign contracts with the UFW in 1970 because the boycott was making it difficult to market their grapes. On none of these ranches was an election held to determine which union, if any, the workers preferred. The small number of Japanese growers and packers who did have UFW contracts reported serious administrative problems. Some of the common complaints were work slowdowns, incorrect numbers of workers dispatched from the hiring hall,

poor worker quality, and ranch committee inefficiency in solving local issues. Some UFW leaders will admit to certain of these deficiencies. It is quite plausible that the UFW would have difficulty in servicing their contracts during this period. Not only did the UFW go from administering a minimal number of contracts to some 200 almost overnight in 1970, but the union's energy was simultaneously being drained off by the lettuce strikes (and concomitant boycott) which began in the Salinas area in 1970. Many UFW staff persons who had little traditional administrative experience became administrative functionaries. Many had little understanding, from an overall perspective, of the operations of a ranch. Moreover, because Chavez did not want to lose his tight personal control over the union, he was reluctant to use administrative experts offered by the AFL-CIO. His publicly stated rationale was that administrative consultants were not familiar with the unique problems of agriculture.⁷ Another factor that no doubt contributed to the friction between the union and the Japanese growers was simply the farmers' fierce independence and resistance to giving up control of the day-to-day aspects of running the farm as they had always done. Moreover, a considerable

⁷Currently, in Chavez's public statements and in a few reports by growers who have UFW contracts, more emphasis is being placed on the administration of contracts. In an interview given to the *Chicago Tribune* published on May 9, 1976, Chavez admitted that in the early period, not enough attention was paid to administration, but that this was going to be remedied. He noted that his *forte* was organizing. However, some growers are still complaining about the servicing of UFW contracts. A figure which supports the observation that growers do feel very threatened by the UFW is that, in 1976, on approximately ten ranches that voted in the UFW, the growers quit the operation. Currently, most of the complaints deal with problems at the local level (the ranch committee and union steward) as opposed to any potential ones emanating from the policy-making echelon at the headquarters in La Paz.

"negative set" on the part of the workers, particularly among those who had been strike and boycott leaders, was probably operative since this was the first time they had ever exercised any real control or power (cf. Nelkin, 1969).

The NFL has been represented, with a great deal of visibility in both the mainstream media and the vernacular press, by Harry Kubo, a 210-acre fruit grower from the small Fresno County town of Parlier. In the local Japanese farming community, Kubo almost has the status of a folk hero. In many ways he is representative of the large number of relatively small acreage Japanese American farmers in the area, although he is more aggressive and articulate than most. After relocation to Tule Lake during World War II, he and his family returned to the Fresno area and worked as farm laborers for four years until they had saved enough to make a down payment on their own ranch. He is, as are most NFL members, politically conservative, espouses great faith in the "free enterprise" system, and believes in the "bootstrap" approach to minority success. He has been the principal NFL leader since the organization's inception.

In June, 1975, Governor Brown managed to get written into law his compromise farm labor election bill, the Agricultural Labor Relations Act of 1975 (ALRA). The law created the Agricultural Labor Relations Board (ALRB) to administer the Act. Concurrently, the NFL became very visible statewide when Kubo was able to coordinate approximately 85 to 90 percent of California's organized growers, through the many state farm organizations, with the formation of the Ad Hoc Committee of Agriculture. This organization was then able to muster enough influence, by helping form a coalition of rural Democrats and Republicans, to hold up, by one vote, an emergency appropriation of three and two-tenths million dollars that the California Legislature was asked to provide to an overwhelmed Agriculture Labor Relations Board. As over 90 percent of the initial elections were contested, a great deal of money was expended by the Board and its staff. Originally, there was no real discussion about

financing the bill. By blocking the emergency appropriation, the growers, as represented by the Ad Hoc Committee, were attempting to force the Governor to change the composition of the Board and make some eight amendments to the law. On face, an argument could be made that three members of the original Board, who were appointed by Governor Brown, may have had predilections toward the UFW's position because of their past associations with the farm labor controversy. One of the two remaining members was previously an executive for a growers organization, the Agricultural Council of California, and the other was an attorney whose firm had represented the Teamsters. However, in a "white paper" published in April, 1976, by the first ALRB Chairman, Catholic Bishop Roger Mahony, he demonstrated that the five members of the Board voted unanimously 93 percent of the time. Even in those cases where there was dissent, the voting did not split along partisan lines. Because the Board was not given the emergency appropriation, the ALRA was held in abeyance from February to July, 1976.⁸

However, the UFW was clearly not going to let the growers easily stop the elections when the union was winning approximately two-thirds of them, so Chavez took a lead from the growers' Proposition 22 effort and, using the initiative process, went to the cities where his support is the strongest to qualify an initiative which would not only "lock in" the 1975 election law, but would also give the union some additional benefits. Chavez was able to seize the advantage, from a public relations point of view, by arguing that the growers had thwarted the election process because they were losing. By going the initiative route, the UFW could write in that the Board would have to be funded at a level which would allow it to carry out its mandated functions.⁹ Such a measure would

⁸The ALRB was subsequently funded by the Legislature for \$6.68 million in July, 1976.

⁹However, the specific legal ramifications of this part of the Initiative were unclear.

protect the Board from legislative maneuvering by the growers since any change, if the Initiative was voted in, would also have to come through the initiative process.

Some have argued that the NFL and various pro-grower state legislators brought Proposition 14 upon themselves by holding up the emergency funding of the ALRB. Some have even suggested that it be called the Zenovich-Kubo Bill, George Zenovich being a Democratic State Senator from Fresno who owns \$100,000 worth of a 160-acre ranch and who has been active in the controversy. The majority of prominent state politicians, including Governor Brown, supported the Proposition. Most of the exceptions were legislators from farming areas.

There was some controversy within the UFW leadership in early summer, 1976, as to whether they should push the Initiative, attempt to organize so that when the ALRB was refunded they could quickly obtain contracts via that mechanism, or attempt to secure additional funding. Certainly the threat of the Initiative did induce a more compromising mood among the growers.

Because of Kubo's efforts on the Ad Hoc Committee, in February, 1976, the UFW declared a boycott on the large grower marketing and fruit processing organizations of Sunmaid raisins, a 2,000-member small grower cooperative, Sunsweet prunes and dried fruit, and eight major Fresno area grape and tree fruit grower/packers. This was an attempt to use the UFW's most effective weapon against the NFL and other growers in the area. However, the UFW made only a weak attempt to push it as they became preoccupied with qualifying the Initiative and getting ready to secure additional contracts when the Board was funded again. Because the Initiative was a legislative effort, it was probably not dramatic enough to allow the UFW to generate a great deal of public sympathy on this issue and, hence, the boycott.

When the Initiative became Proposition 14 in June, 1976, after the state validated the required number of signatures, Kubo gave up his chairmanship of the Ad Hoc Committee and became Chairman of the Citizens for a Fair Farm Labor Law, the growers' principal

anti-Proposition 14 organization.¹⁰ Their goal was to raise two and one-half million dollars to fight the Proposition.

Of particular interest was the manner in which Kubo and the Citizen's Committee appealed to Californians for support. Full-page ads were placed in some twenty leading California newspapers. The first advertisement contained an informal picture of Kubo and was headlined: "34 years ago, I gave up my personal rights without a fight. It will never happen again." The text of the advertisement began: "1942. WWII. Tule Lake Japanese-American detention camp. My family lost everything. I was 20 years old and I gave up my personal rights without a fight. Never again." Clearly, the appeal had racial/ethnic overtones and was attempting to draw parallels between the World War II evacuation and the Proposition. The "No on Proposition 14" campaign was handled by Dolphin Public Relations of Los Angeles, the same company that ran the 1976 Ford for President campaign. Moreover, leaflets and television "spot" advertisements featuring Kubo and other growers were developed and utilized. The Proposition was defeated by a three to two margin.

The NFL had begun to offer a number of other services to its members. In 1975, a Legal Aid Fund was created which was an attempt to spread the cost of legal fees in the event that a grower became involved in potentially expensive litigation. Also, in 1976, because the NFL realized the importance of influencing legislators, a political contribution mechanism called Nisei Farmers League Political Action Committee (NFL PAC) was formed. Its function was simply to support pro-grower candidates.

The ALRB's most controversial decision was the so-called "access rule," handed down soon after the Board began holding elections in the fall of 1975. The Board ruled that because of the nature of agriculture,

¹⁰The UFW gathered almost twice the 312,404 validated signatures of registered voters necessary. The signatures were gathered in a period of one month--April 1 to May 1, 1976.

it was necessary to allow union organizers on the growers' property one hour before work, during the lunch hour, a maximum of one hour, and one hour after work. This administrative decision triggered an emotional reaction by the farmers. The growers charged that the access rule violated their constitutional rights of private property. They pointed out that the National Labor Relations Board only allowed access on a case-by-case basis after it had been demonstrated that there was no other way to reach the workers. The ALRA is designed to follow the precedents set by the National Labor Relations Act "where applicable." In fact, the hour after work is probably insignificant, as most workers immediately leave the fields. However, a case could be made that the workers, after being exposed to organizers at lunchtime for a reasonable period of time, should be left alone. The arguments favoring access would be the migratory nature of a significant proportion of the labor force, the fact that many workers live on growers' property, and that administratively it would be impossible to handle access on a case-by-case basis because of the many units involved. Bishop Mahony had estimated that to have a case-by-case determination of "access" would cost two million dollars.

Subsequently the Nisei Farmers League, in conjunction with another large growers organization, brought suit against the ALRB to test the constitutionality of the access rule. The California State Supreme Court ruled in March, 1976, that it was constitutional, and in October, 1976, the U.S. Supreme Court let stand the State Court ruling. The ALRB had proposed some seven modifications to the access ruling to handle specific situations, for example, in the nursery and poultry industries.

Many of the Japanese growers perceive the ALRA, and the defeated Proposition 14, to be a law which ". . . for the second time in our lives, is directly pitted against our interests." They draw parallels, emotionally, between the World War II evacuation and their being put at a "severe disadvantage" as a result of the election law. Some say they know that unionization is inevitable, but that they are going to fight to save as

many economically viable entities as possible during the process. This sounds conceptually very similar to some UFW leaders saying that they know that mechanization, and the subsequent loss of jobs, is inevitable in many labor intensive crops but that they are simply trying to slow down the process.

A useful framework with which to analyze the current struggle in the legal arena is that of a socio-legal perspective. The most prevalent conception of law is that it is a means of settling or precluding disputes (e.g., Fuller, 1964, 1971; Selznick, 1961, 1968, 1969). The means by which law does this is by (a) articulating an idea of justice (presumably a prerequisite for continued interaction and a viable organization of social life) and (b) restraining those whose actions are incompatible with such requirements. Turk (1976) has called this the "moral functionalist" view of law. This concept seems to be central to the way the various parties have viewed the ALRA.

A more useful and inclusive alternative perspective has been provided by Turk. He suggests that law be viewed as a form of social power. He points out that people being aware that others' ideas of justice may differ from their own will try, in accord with their own ideas and interests at least as they perceive them, to gain control; or if the process goes against their interests, they will try to contest or evade the processes by which norms come to be formally articulated as law across the boundaries of culturally homogeneous groups. Turk employs the common definition of power as control of resources and the exercise of power as their use in efforts to cause "acceptable" resolutions of actual or potential conflicts. He points out five more specific types of resource control that are involved in the social-cultural reality of law. These are:

- (1) control of the means of direct physical violence, i.e., *war* or *police* power;
- (2) control of the production, allocation, and/or use of material resources, i.e., *economic* power;
- (3) control of decision-making processes, i.e., *political* power;
- (4) control of definitions of and access to knowledge, beliefs, values, i.e., *ideological* power; and

(5) control of human attention and control of living-time, i.e., *diversionary* power (Turk, 1976).

An important point made by Turk is that law may, in certain circumstances, lead to greater, as opposed to less, conflict. The law can heighten the awareness of the problems involved in the specific interaction. Inasmuch as the conflicting parties cannot risk not having the law on their side, they will attempt to gain control of it or at least neutralize it as a weapon the opposition can employ. Moreover, it can encourage litigations by providing the parties with a less dangerous and/or costly method of gaining advantages. Previously, by making a legal mechanism unavailable to aid in the process of unionization of farm workers, the law was used to suppress the salience of the conflict and to make articulation and management of it difficult (McWilliams, 1942; Tangri, 1967). As Turk further points out, the legal-nonlegal distinction in the use of power is simply an historically specific accomplishment. Clearly, the struggle over the ALRA and Proposition 14 can be viewed as the most salient current manifestation of the struggle over unionization and economic power.

The small growers are no doubt more concerned about wages than are the large corporate operations because they are involved with labor intensive crops that do not lend themselves to mechanization; and even if the machines were available, it would be difficult for them to amortize the cost. For many growers and grower/packers, labor costs amount to over 50 percent of their total operating costs.

Another perceived and actual economic pressure on the growers which influences their attempts to control the farm workers' wages is that their products compete on a national, and perhaps even international, market. Hence, if their wage rates increase, and California's were the second highest in the country in 1974 (U.S. Department of Agriculture, 1974), this will influence their competitiveness. From a climatic and fertility perspective, the Fresno County area is ideally suited to raising labor-intensive fruit crops. However, shipping costs, because of the extreme western location, are high. The ALRA will, no doubt, allow the UFW

to eventually exercise greater leverage to increase wages. The growers clearly dislike the fact that they are exposed to this legitimized pressure when farmers in other states are not. However, both the growers and the union are predicting additional state farm labor election laws in the near future and a national law in the not too distant future.

The NFL has been well received by many business and agricultural groups. Kubo spends an estimated three days out of five speaking to these various groups. Perhaps an indication of the organization's standing came in January, 1975, when Earl L. Butz, then Secretary of Agriculture, attended their annual banquet and praised them for lack of bitterness about the evacuation and their ". . . reputation of being fiercely loyal to the ideals and the concepts that make America great" (NFL News, 1975).

One conceptual perspective which may be useful in understanding the Nisei Farmers League is that of Blalock's (1967) notion of middleman minority, particularly as extended to Japanese Americans by Kitano (1974). Such a minority group rises above other minorities because of a competitive advantage or high adaptive capacity. Blalock argues that the middleman minority acts as a buffer between the small number of elites and the large number at the bottom. Coser (1964) points out that the middlemen's power is largely dependent upon the good will of the elite. If the middlemen challenge the elite, they may lose the positive outcomes bestowed upon them by the powerful. However, the middlemen must contend with the anger and frustration of those lower in the system. The major point is that even though the middlemen have a generally higher status and income when compared to those in the lower strata, they are still in a weak and vulnerable position. As Kitano has pointed out:

They [middlemen] can play an important role in preserving the stability of a social system by serving as ready objects to drain off frustration and aggression. They can also become the pawns or mediators in power struggles between the upper and lower groups; they can provide a ready source of revenue; they can perform certain needed but

distasteful economic functions; and they may be used to staff petty official roles that cannot be entrusted to the masses. Given such a vulnerable position, it is difficult to understand why a group of people would be content to serve as a middleman minority. Perhaps the best answer is that they have no choice, and are trapped in a social structure which shapes their adaptations.

Obviously many of the major actions of the NFL can be seen as consistent with the interests of the conservative "agribusiness" segment of agriculture. Their support of the Cory Bill, Proposition 22, their stand against Proposition 14, the strikebreaking activities at White Rivers Farm, and the picket patrol were all helpful to the economically stronger elements of agriculture. Moreover, it might be argued that the NFL's seeming political power, as realized through Harry Kubo's chairmanship and activity on the Ad Hoc Committee of Agriculture which prevented the emergency funding of the ALRB, was partly the result of the state Republicans using the issue to split the Democrats and pick up rural legislative seats. As an historical aside, it is interesting to note that the California State Grange, California Farm Bureau Federation, and other agricultural associations were among the most vociferous backers of the World War II evacuation principally because of the economic competition the Japanese farmers provided (Daniels, 1972; Hosokawa, 1969; Kitano, 1976).

Historically, the Japanese have been an important element in California agriculture. Even though the number of Japanese who remain in agriculture has diminished, for historical, sociological, and psychological reasons they represent an important part of the Japanese American experience. Within a time period of less than three quarters of a century, the Japanese growers have changed positions in the social structure and now perceive their interests to be directly opposed to those who occupy their former positions. They are conceptualized as functioning as a middleman minority whose adaptations are shaped by the social structure. Currently, the most salient symptom of the grower-farm worker struggle is found in the

socio-legal arena. It is argued that this is simply an historically specific manifestation of the ongoing struggle for power. It is also noted that the rise in prominence of the Nisei Farmers League has led to controversy and conflict within the ethnic community in California.

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