

**JANUARY 27, 2006**

**MEMORANDUM TO  
THE LOS ANGELES TIMES**

**FROM THE FARM WORKER MOVEMENT**

**RESPONSE OF THE UNITED FARM WORKERS  
AND RELATED FARM WORKER MOVEMENT  
ORGANIZATIONS**

**TO THE JANUARY 8-11, 2006  
LOS ANGELES TIMES SERIES  
ON CESAR CHAVEZ, THE UNITED FARM  
WORKERS AND THE FARM WORKER  
MOVEMENT**

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Over nearly a year's period, the Farm Worker Movement spent more time and effort with Miriam Pawel than any reporter in its history. Yet almost none of its side of the story ended up in her articles.

The first three days of Miriam Pawel's stories in the Los Angeles Times on Jan. 8, 9, and 10, 2006—those concerning the present Farm Worker Movement—add up to about 388 column inches of text. Just 23 of those column inches—or roughly 5 percent of the three stories—can charitably be described as containing facts or perspective from the movement. Any fair-minded person reading Pawel's series, even if he or she knows nothing about the subject matter, has to conclude the Farm Worker Movement's voice is missing.

While she was researching the stories the only request the movement made of Miriam Pawel was the chance to respond to any specific charge or accusation she might write before publication. "Of course, I would do that anyway," she told United Farm Workers Principal Spokesman Marc Grossman.

In early December, when the UFW's Grossman knew Pawel was writing her stories, he asked, "Miriam, when do we get to respond?" Pawel replied that he could tell by the questions she had asked what would be in her series. So many of the inaccuracies, distortions, omissions and outright falsehoods happened because Miriam Pawel never specifically asked the movement about them—and it didn't have the chance to respond. Others are the result of sloppy journalism and omissions and misrepresentations.

Guessing at what Pawel would write, the Farm Worker Movement wrote her detailed letters in late December 2005 and copied her editors. UFW President Arturo Rodriguez sent a 17-page letter. National Farm Workers Service Center President Paul Chavez issued a similar letter at the same time. Those writings, which are attached, as well as other comments, many in response to follow-up questions Pawel emailed Rodriguez and Chavez, convincingly refuted many of the major allegations in her articles. Yet again almost nothing from the Farm Worker Movement appeared in her coverage.

The following are point-by-point responses to particular charges Pawel made, including many specific refutations supplied in advance of publication in writing or during interviews, based upon transcriptions.

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#### *First day story*

*"Thirty-five years after Chavez riveted the nation, the strikes and fasts are just history, the organizers who packed jails and prayed over produce in supermarket aisles are gone, their righteous pleas reduced to plaintive laments.*

*“What remains is the name, the eagle and the trademark chant of “Si se puede” (“Yes, it can be done”)—a slogan that rings hollow as UFW leaders make excuses for their failure to organize California farm workers.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)*

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*“the strikes...are just history...”*

Recent UFW-led strikes include:

--Cesar Chavez and Arturo Rodriguez led widespread walkouts by thousands of table grape workers in spring and summer 1992, first in the Coachella Valley and later in the Central Valley, seeking wage hikes after more than a decade without them. As a result, the UFW won the first industry-wide pay raises in a dozen years. (See news articles in the Riverside Press Enterprise and Bakersfield Californian, among other newspapers.)

--Hundreds of strawberry workers at VCNM Farms near Salinas walked out of the fields on strike and voted for the UFW in an ALRB election in 1995. The vote was 350 to 50. The next week, the company plowed under a quarter of the crop in retaliation and closed operations at the end of 1995. (See coverage in the Salinas Californian and San Jose Mercury News, among others.)

--In summer 1998, the great majority of 1,000 field workers at Salinas-based D'Arrigo Bros., one of California's largest vegetable producers, went on strike demanding a UFW contract 23 years after they voted for the union in one of the first elections held under the state farm labor law. Today, 30 years later, the negotiations are still underway. (See strike coverage in the San Francisco Chronicle, San Jose Mercury News, Salinas Californian and Monterey Herald, among others.)

--In 1999, a UFW-led strike by workers at Quincy Mushrooms near Tallahassee, Florida together with a boycott produced a contract at the largest mushroom grower in the southeastern states. (See “In an About-Face, Mushroom Farm Accepts Labor Union,” by Stephen Greenhouse, New York Times, July 21, 1999.)

-- A series of rolling strikes organized by the UFW occurred in the Washington state apple industry during 2000. Workers walked out company by company throughout the industry seeing long-overdue wage increases. The union won a \$1 per bin pay raise and convinced employers to sign one-page agreements pledging not to retaliate against workers and to address their health and safety concerns. (See news coverage in Washington state dailies. Also see “Wash. Workers Seek to Reap More Fruit for Their Labors,” by Kim Murphy, Los Angeles Times, Sept. 6, 2000.)

Miriam Pawel acknowledged she received and read the above information in the form of UFW refutation of a series of articles in the Bakersfield Californian during May 2004 that was forwarded to her by the UFW.

*“fasts...are just history...”*

Farm Worker Movement staff and members fasted in South Texas' Rio Grande Valley over the holidays in December 2005 to rally public support for enactment of AgJobs, the UFW-sponsored immigration reform bill before Congress that would aid hundreds of thousands of undocumented farm workers.

*“UFW leaders make excuses for their failure to organize California farm workers”*

**The main premise by Los Angeles Times reporter Miriam Pawel—that the United Farm Workers is “failing to organize California farm workers”—is directly contradicted by reporting from no less than 22 Los Angeles Times reporters and two columnists between April 25, 1994 (when the current UFW organizing drive began) and Sept. 23, 2005. These stories chronicle substantial UFW organizing, election, strike and boycott activities plus new union contracts and legislative victories.**

**Either all the stories by these Times reporters are wrong or Pawel's stories are wrong. They both can't be right.** Following are citations for just 48 stories from the Times archives on relevant UFW activities covering 1994 to 2005. There are many others.

**Kicking off the UFW's current field organizing and contract negotiating campaign with a 343-mile march from Delano to Sacramento in 1994.**

“Pilgrimage to Mark Strategy Shift for UFW,” by Mark Arax, Los Angeles Times, March 27, 1994.

“UFW Pledges New Activism as March Ends. Labor: Cesar Chavez's successor urges a return to grass-roots organizing during a `summer of freedom' to recoup the faltering farm union's successes,” by Mark Arax, Los Angeles Times, April 25, 1994.

**A string of UFW election victories and campaigns to win contracts that followed, with workers at 32 companies voting for the union in secret ballot elections. Among them were dozens of UFW contract successes, including the largest strawberry, rose, winery and mushroom firms in California and the nation.**

“UFW pledges new activism as march ends,” by Mark Arax, Los Angeles Times, April 25, 1994

“UFW Leading in Oxnard Election. Labor: At stake is right to negotiate on behalf of 600 produce workers. Balloting is the union's first in the county in years,” by Fred Alvarez, Los Angeles Times, May 19, 1994

“UFW Plans Protest at Dole Chief's Office,” by Miguel Bustillo, Los Angeles Times, June 23, 1994

“Union's focus on fields starts to bare fruit,” by Mark Arax, Los Angeles Times, July 18, 1994

“UFW Wins Recount of Workers' Ballots,” by Miguel Bustillo, Los Angeles Times, July 27, 1994

“UFW Steps Up Organizing Efforts in Area. Labor: The drive is the most intensive activity in the county since 1990. The focus is on two firms in Oxnard and Moorpark,” Scott Hadly, Los Angeles Times, Sept. 7, 1994

“UFW-Grower Pact Prevents Strike. Labor: Tentative agreement between union and Muranaka Farms would lead to the first pay hike in four years for workers,” by Scott Hadly, Los Angeles Times, Oct. 22, 1994

“With New Pact, Union Takes Big Step Back to Prominence. Labor: United Farm Workers concludes its eighth contract in a year, signing 1,400 flower workers,” by Michael Parrish, Los Angeles Times, March 18, 1995

“UFW Members Picket Outside Produce Firm,” by Fred Alvarez, Los Angeles Times, April 4, 1995

“Labor Dispute Sparks Protest at Dole Office,” Los Angeles Times, July 14, 1995

“COLUMN ONE: The UFW GETS BACK TO ITS ROOTS: The late Cesar Chavez tried to build a social movement, but the union's new president is staging a comeback and adding members,” by Mark Arax, Los Angeles Times, Feb. 17, 1996

“Teamsters and UFW Talks Could Yield Historic Alliance. Labor: But the effort to organize Washington apple pickers and packers would be haunted by bitter memories of unions' fights in California,” by Stuart Silverstein, Los Angeles Times, Feb. 21, 1996.

“UFW, Grower May End Long Dispute. Labor: After two-decade battle, Bruce Church Inc. and union reach tentative pact,” by Tony Perry, Los Angeles Times, April 5, 1996

“AFL-CIO Targets Berry Growers for Union Push,” by Robert A. Rosenblatt, Los

Angeles Times, Nov. 14, 1996

“Ralphs Backs UFW on Bid for Reforms in Berry Fields,” by Stuart Silverstein, Los Angeles Times, Dec. 20, 1996

“Strawberry Fields a Hard Row for UFW. Labor: The work is tough and low-paid, but grower opposition and worker fears impede organizers,” by Stuart Silverstein, Los Angeles Times, April 12, 1997

“UFW Rallies to Organize Strawberry Workers,” Los Angeles Times, April 14, 1997

“UFW Launches Organizing Drive in Ventura County,” by Daryl Kelley, Los Angeles Times, May 15, 1997

“UFW Adds Irvine Growers Group to Lawsuit. Labor: Trade association’s meeting is picketed. Union’s dispute centers on alleged sham workers organizations,” by Barbara Marsh, Los Angeles Times, July 30, 1998

“Labor Panel Voids Election That Favored UFW Rival. Farming: Board backs the union’s contention that a vote to organize Coastal Berry Co. workers is invalid,” by Fred Alvarez, Los Angeles Times, May 8, 1999

“Judge Calls for 2 Separate Labor Units. Union: Ruling could mean that UFW, which lost statewide vote to rival group, could get to represent Ventura County pickers,” by Fred Alvarez, Los Angeles Times, March 8, 2000

“UFW Seeks Pizza Hut’s Help in Labor Battle,” Los Angeles Times, April 18, 2000

“Board Gives UFW a Victory in Oxnard. Agriculture: Labor panel decision awards union the right to represent more than 700 strawberry pickers,” by Gina Piccalo, Los Angeles Times, May 5, 2000

“UFW Wins Contract With Gallo,” by James Rainey, Los Angeles Times, Sept. 2, 2000

“Wash. Workers Seek to Reap More Fruit for Their Labors,” by Kim Murphy, Los Angeles Times, Sept. 6, 2000

“Ralphs Stores Stop Orders From Mushroom Farm,” by Fred Alvarez, Los Angeles Times, Sept. 27, 2000

“UFW Wins Key Election at Berry Firm. The union, which already represents workers at the Oxnard operation, will represent nearly 900 pickers in Watsonville,” by Fred Alvarez, Los Angeles Times, Feb. 11, 2003

“Pictsweet Workers Win Contract. A new state law helps resolve the dispute at the Ventura mushroom farm, where crews had labored for 17 years without a union pact,” by Fred Alvarez, Los Angeles Times, Feb. 18, 2004.

**The UFW won a historic 2002 state law imposing private-sector binding mediation when growers refuse to negotiate union contracts after farm workers vote in secret ballot elections. If upheld by the courts, it could produce many more UFW contracts.**

“CAPITOL JOURNAL. Farm Workers March to the Capitol, but Davis’ Steps Will Come Later,” by George Skelton, Los Angeles Times, Aug. 26, 2002

“History Echoes as Farm Workers Rally for Bill. Labor: Bid to establish binding arbitration puts pressure on Davis, a UFW ally in ’75 triumph,” by Gregg Jones, Los Angeles Times, Aug. 26, 2002

“A Big Win for Farm Workers. Agriculture: Davis Signs two bills mandating mediation in disputes,” by Gregg Jones, Los Angeles Times, Oct. 1, 2002

“UFW Used Brinkmanship to Win 2 Laws. Labor: The union’s legislative team cornered Gov. Davis into signing mediation bills,” by Gregg Jones, Los Angeles Times, Oct. 3, 2002

“Pictsweet Workers Win Contract. A new state law helps resolve the dispute at the Ventura mushroom farm, where crews had labored for 17 years without a union pact,” by Fred Alvarez, Los Angeles Times, Feb. 18, 2004.

**Fierce grower resistance to farm worker organizing means the UFW often fights just to keep what it already won, diverting attention from organizing new workers. The most recent example was the 22-month legal and contract campaign and three-month boycott to renew the UFW pact with Gallo winery in Sonoma County.**

“Probe Delays vote Count on Gallo Workers’ UFW Petition,” by Lee Romney, Los Angeles Times, March 14, 2003

“Labor Complaint Filed Against Gallo Winery,” by Lee Romney, Los Angeles Times, April 16, 2003

“Farm Union at Gallo Unit Wins Ruling. A state labor panel voids a decertification of the UFW,” by Marc Lifsher and Jerry Hirsch, Los Angeles Times, Nov. 6, 2004

UFW Plans Wine Boycott in Effort to Pressure Gallo,” by Miriam Pawel, Los Angeles Times, June 13, 2005

“Gallo, Farm Union in Pact,” by Jerry Hirsch, Los Angeles Times, Sept. 14, 2005.

**In 2005, the UFW mounted a major organizing campaign among Central Valley table grape workers. The union forced growers to grant modest pay hikes. Despite virulent grower opposition, the UFW nearly won the largest private-sector election in the nation last year, according to national union observers. Last November the state Agricultural Labor Relations Board ruled the UFW proved a “*prima facie*” case that grower law violations “tainted” the election at Giumarra Vineyards Corp. and the state ordered a hearing on whether the balloting should be invalidated.**

“UFW Thinks Climate Is Right to Grow Its Ranks,” by Mark Arax, Los Angeles Times, Aug. 31, 2005

“Vineyard's Workers Appear to Reject Joining UFW,” by Miriam Pawel and Mark Arax, Los Angeles Times, Sept. 2, 2005

“UFW Alleges Grower Threatened Pickers Before Vote, Los Angeles Times, Sept. 13, 2005

**New laws, regulations and other government action aiding farm workers the UFW won since 1999 include tens of millions of dollars in state and federal funds to aid farm workers left unemployed by the 1998-99 citrus freeze; a law requiring seat belts and other safety measures for farm labor vehicles; two 2001 state laws providing new protections for farm workers cheated out of their pay by farm labor contractors; the 2002 binding mediation law; a 2004 law with new pesticide protections for farm workers and other rural residents; a 2004 state regulation banning hand weeding; and the 2005 emergency regulation to prevent heat deaths and illnesses.**

“Bitter Taste in the Grape Fields: Farm worker says his father, 53, didn’t have to die of heatstroke,” by Mark Arax, Los Angeles Times, Aug. 30, 2004

“Deaths Rally Farm Laborers. Three men have died after working in the recent intense heat of the Central Valley, sparking a demand for more safeguards,” by Mark Arax, Los Angeles Times, July 28, 2005

“Gov. Orders Shade, Water for Workers Sickened by Heat,” by Nancy Vogel and Robert Saladay, Los Angeles Times, Aug. 3, 2005.

**The UFW spent three years negotiating with national grower groups to create the landmark AgJobs bill that would let hundreds of thousands of undocumented farm workers earn the right to stay in the U.S. by continuing to work in agriculture. AgJobs became the first major immigration reform measure winning majority support in one house of Congress, in the U.S. Senate, in April 2005.**

“Immigration Measure Blocked. A proposal to hold out legal status to 500,000 farm workers fails to advance in the Senate,” by Mary Curtius, Los Angeles Times, April 20, 2005

“Fair Deal for Farm Workers,” Los Angeles Times, July 28, 2001.

**A 2003 UFW-sponsored state measure offering incentives for growers to provide health benefits for their farm workers nearly passed the Legislature.**

See “UFW Seeks Improved Health Care,” by Gregg Jones, Los Angeles Times, April 21, 2003.

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Has the UFW been as successful as it would like? No. Is it satisfied with the progress it has made? No. Yet **“the UFW’s recent history shows remarkable success in the toughest organizing job in America,”** Unite Here Presidents Bruce S. Raynor and John W. Wilhelm told Times reporter Pawel in a Jan. 3, 2006 letter. Wilhelm repeated those sentiments during a one-hour in-person interview with Miriam Pawel in Los Angeles on Jan. 6, 2006. (See copy of the Raynor-Wilhelm letter attached.)

UFW **dues receipts jumped** from \$734,696 in 1994, when the current organizing drive began, to \$2,077,320 in 2004. (Miriam Pawel knew this information from scrutinizing the UFW’s LM2 forms filed annually with the U.S. Department of Labor. She included the \$2,077,320 figure from the 2004 LM2 form in one of the pie charts in the Jan. 8 L.A. Times graphic, but left out a pie chart showing the \$734,696 figure from 1994 that would have disproved her contention the UFW is “failing to organize.”)

Because of continuing employer resistance to workers’ rights, the UFW frequently must **fight to keep what it already won**, diverting scarce resources away from organizing new workers. Recent examples include the successful 17-year drive to renegotiate a contract with Pictsweet Mushroom Farm in Ventura and a 22-month legal and contract campaign—plus a three-month boycott—that succeeded in 2005 at the Gallo winery in Sonoma County.

Furthermore, 29 companies where the UFW was certified to bargain employing nearly 5,000 workers—24 of them with UFW contracts—went out of business since 1994 through some employers attempting to avoid their duty to negotiate, financial problems or changing industry conditions.

After eight years of organizing workers to win elections and negotiate or renegotiate union contracts under the UFW campaign Arturo Rodriguez began in 1994, the union recognized the need to do something about fierce resistance from the agricultural industry, much of which never accepted the rights of farm

workers under the 1975 Agricultural Labor Relations Act. Even after workers vote for the union in free elections, **many growers refuse to negotiate union contracts.**

Between 1975 (the year the law took effect) and 2001 (the year before the binding mediation law was passed), farm workers at 428 companies voted for the UFW in state-conducted secret-ballot elections. Yet only 185, or roughly 40 percent, of those growers signed union contracts. That represents a reversal of the national trend, where roughly 60 percent of employers sign union contracts after workers vote in elections. (All this is extensively covered in the two-inch thick binder the UFW prepared and handed Miriam Pawel during her first visit to the union's headquarters in April 2005. In particular, the nine-page May 1, 2002 letter from ALRB Chairwoman Genevieve A. Shiroma to state Sen. Mike Machado explains in detail **why the law's principal remedy for bad-faith bargaining and other employer misconduct, the make-whole remedy, hasn't worked.**)

Pawel had all this information, and much more, in writing before publication. Almost none of it ended up in her stories, even though she told the UFW and acknowledged during her interview on Los Angeles radio station KPCC-FM on Jan. 18, 2006 (Larry Mantle's "Air Talk" program) that the genesis of her series was interest in writing about the 30<sup>th</sup> anniversary of the Agricultural Labor Relations Act of 1975.

**Finally, there is not a word in Miriam Pawel's stories about what most neutral observers acknowledge was the shutdown in enforcement of the Agricultural Labor Relations Act for 16 years under Republican Govs. George Deukmejian and Pete Wilson resulting in a sharp decline in UFW contracts.** The shut down was documented in great detail for Pawel by the UFW in the two-inch-thick binder it gave her in April 2005, based largely on Agricultural Labor Relations Board and appellate court decisions.

**There is also almost no discussion about the transformation of the California farm labor work force since the 1960s and '70s from a fairly diverse mix of mostly U.S. citizens and legal residents with some undocumented workers to what today is uniformly Mexican, immigrant and undocumented—and the implications for union organizing in the private sector.** These are not "excuses for th[e] failure to organize California farm workers," as Miriam Pawel wrote. They are central factors in the reality of farm labor in California that are frequently cited by knowledgeable authorities. The UFW and many others discussed them at length with Pawel. These issues were ignored in her coverage.

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*"Today's Times investigation has found Chavez's heirs run a web of tax-exempt organizations that exploit his legacy and invoke the harsh lives of farm workers to raise millions of dollars in public and private money.*

*“The money does little to improve the lives of California farm workers, who still struggle with the most basic health and housing needs and try to get by on seasonal, minimum-wage jobs.*

*“Most of the funds go to burnish the Chavez image and expand the family business, a multimillion-dollar enterprise with annual payroll of \$12 million that includes a dozen Chavez relatives.*

*“The UFW is the linchpin of the Farm Worker Movement, a network of a dozen tax-exempt organizations that do business with each other, enrich friends and family and focus on projects far from the fields. They build affordable housing in San Francisco and Albuquerque, own a top-ranked radio station in Phoenix, run a political campaign in support of an Indian casino and lobby for gay marriage.”*  
*(“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)*

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*“The money does little to improve the lives of California farm workers...the Farm Worker Movement, a network [focusing] on projects far from the fields...”*

There was no mention of the thousands of California farm workers who in recent years have become protected by UFW contracts with decent pay, full family health benefits, paid holidays and vacations, pension programs, job security and grievance and arbitration procedures.

There was no mention of the thousands of other farm workers who in recent years have been organizing to win union representation or contracts or who have participated in UFW-led strikes and job actions or farm workers in areas where the UFW is active who have won better pay, treatment and some benefits as a direct result of union activism.

There was no mention of the many thousands of farm workers and low-income Latinos who moved into low-rent, high-quality apartment complexes built or rehabilitated and operated by the National Farm Workers Service Center, many of them from very substandard conditions.

There was no mention of the hundreds of thousands of farm workers and other Latino immigrants who benefit daily from listening to the mix of extensive interactive educational programs and popular regional Mexican music on the eight-station, three state Radio Campesina network.

There was no mention of the more than 6,000 farm workers who have taken comprehensive classes to upgrade their job skills and learn vocational English through the Farm Worker Institute for Education and Leadership Development.

This is all information Miriam Pawel had in writing or from interviews prior to publication.

*“Most of the funds to burnish the Chavez image and expand the family business, a multimillion-dollar enterprise...a network of a dozen tax-exempt organizations that do business with each other, enrich friends and family...”*

First, it is unfair and inaccurate to describe these independent non-profit organizations as a family business. They have separate and distinct missions, budgets and staffs and are governed by separate boards of directors. All are subject to annual outside audits and have received unqualified reports.

Second, this allegation is completely false. The only organization within the movement charged with promoting Cesar Chavez’s legacy and empowering new generations to carry on his work is the Cesar E. Chavez Foundation. For fiscal year July 2004 through June 2005, its overall operating expenses were about \$1.1 million, a very small percentage of total movement expenditures. Cesar Chavez’s widow and his sons and daughters established the Chavez foundation to promote his legacy and educate people about his values. The Chavez family knew the UFW couldn’t do this work because of the pressing need to organize and improve the lives of farm workers. So they created a separate organization. Family members decided years ago that none of them would financially benefit in any way from Cesar Chavez’s legacy. Family members have transferred all the intellectual property rights they possess to the Chavez foundation for its use.

The vast majority of movement resources are spent on organizing, housing, educating, training and empowering farm workers and other low-income immigrant families to improve their lives.

As for the charges that family and friends were enriched, it is natural for members of Cesar Chavez’s family to be inspired by his example. **Yet only a dozen of the more than 400 committed movement employees are Chavez family members; just four hold policy-making positions. Many spent decades as full-time volunteers laboring for nothing and now work hard for modest pay. The only income they derive personally is from the jobs they work. They dedicate countless hours serving on boards of directors of movement organizations without compensation. All live very modestly.** Arturo Rodriguez is the lowest paid national union president in America. His salary, \$77,000, is on a par with many mid-level organizers who work with major unions. Rodriguez is elected UFW president directly by farm workers. Rodriguez is related to Cesar Chavez through marriage to Linda Chavez, the late daughter of Cesar and Helen Chavez.

*They build affordable housing in San Francisco and Albuquerque, own a top-ranked radio station in Phoenix, run a political campaign in support of an Indian casino and lobby for gay marriage.*

This is gross cherry picking of the facts.

**The only two low-income affordable housing projects cited by Miriam Pawel are in San Francisco and Albuquerque. Here is what she left out:**

National Farm Workers Service Center's housing programs have centered in the Central Valley, between Bakersfield and Fresno, the biggest concentration of farm workers in America. Multiple housing projects have been completed in Fresno, Parlier and Delano as well as a multi-family residential complex amid the citrus belt in the Tulare County town of Porterville. Service center finished projects in farm worker communities elsewhere in California, in Hollister and Gilroy, where farm workers' need for affordable housing is even more acute because of the rising costs of housing from increased urbanization.

It also built an affordable housing project in El Mirage, Arizona, a farm worker community that in recent years has been transformed by urbanization.

Last year service center dedicated two affordable housing projects. One was Hacienda Manual Chavez in the farm worker community of Sommerton, Arizona in the Yuma Valley. The other project is in the farm worker community of Pharr, Texas, located in the Rio Grande Valley, home to a migrant stream of thousands of farm workers who travel each year north through the Midwest, among other places.

Now under development are four projects in the southern San Joaquin Valley and in South Texas. Two are under construction in Bakersfield: a multi-family rental site and a homeownership single family housing development. Both are located in east Bakersfield, a farm worker community. The third development is in the farm worker community of Shafter in Kern County. After a couple of years of wrangling with the city council, service center hopes to break ground during the second quarter of 2006 for this multi-family rental project. The fourth community is in Mercedes, Texas, also in the Rio Grande Valley.

Of the 3,500 affordable housing units built by the National Farm Workers Service Center, 1,900 are in farm worker communities cited above.

All this information was supplied to Miriam Pawel in writing prior to publication of her stories. None of it ended up in her coverage. (See the Dec. 29, 2005 letter to Miriam Pawel from National Farm Workers Service Center President Paul Chavez in the notes that follow.)

**Pawel only cited one of the eight Radio Campesina radio stations, the one located in Phoenix. Here's what she left out:**

Radio Campesina, with 300,000 daily listeners, is dedicated to serving the needs of farm workers and recent immigrants with educational programming. Out of eight Radio Campesina stations, the following stations serve heavily farm worker communities: the Lower Columbia River Basin in the heart of the apple growing region in Washington state; the Salinas Valley-Monterey County area in what is the heart of Central Coast vegetable production during the spring, summer and fall; the Yuma, Arizona station covering farm worker communities in what is the center of the winter vegetable season; and Central Valley stations in Fresno, Visalia and Bakersfield covering the largest concentration of farm workers in the country.

There is also a station in Parker, Arizona, with plans to improve coverage in Palo Verde Valley farm worker communities around Blythe, Calif.

The Phoenix station at one time covered sizeable farm worker communities in places such as Chandler and El Mirage, where the UFW once operated field offices. With spreading urbanization and changing demographics, there are much fewer farm workers there now. However, the Phoenix station still reaches farm workers in communities such as Aguila and Queen Creek, Ariz. Despite the urbanization, the format at Radio Campesina's Phoenix station remains the same: educational programming geared towards new arrivals from northern Mexico.

All Radio Campesina stations are very popular among farm workers and recent immigrants.

All this information was supplied to Miriam Pawel in writing prior to publication of her stories. None of it ended up in her coverage. (See the Dec. 29, 2005 letter to Miriam Pawel from National Farm Workers Service Center President Paul Chavez in the notes that follow.)

*"They [the Farm Worker Movement] run a political campaign in support of an Indian casino and lobby for gay marriage."*

After the UFW executive board voted last year to endorse Measure N, the Viejas Band of Kumeyaay Indians and Manzanita Band of Kumeyaay Indians asked to hire the union to use its ability to organize political campaigns to educate Calexico voters and get out the vote for the citywide measure on the June 7, 2004 ballot. Measure N will bring 2,400 good-quality, high-paying casino jobs with full benefits to this economically depressed Imperial Valley community on the Mexican border that has lost most of its agricultural jobs in recent years. First preference for new hires will go to Calexico residents, many of them former farm workers. The voters approved Measure N.

Before most of the agricultural industry in the Imperial Valley moved east to the Yuma, Ariz. area in recent years, the UFW had organized many farm workers and held contracts protecting them in the valley. That was a key reason why the Indian tribes approached the UFW for help and why the union was interested in creating good new employment opportunities for current and former farm workers who live in Calexico.

Miriam Pawel never asked the UFW about this ballot measure so the union did not have an opportunity to respond in her story.

Former UFW Southern California Political Director Christine Chavez issued the following statement on June 23, 2005 after the union's National Executive Board endorsed AB 19, the marriage equality bill by Assemblymember Mark Leno (D-San Francisco). Christine Chavez, one of Cesar Chavez's granddaughters, left the union staff to help convince key Latino lawmakers to vote for AB 19.

I am proud to announce that the United Farm Workers of America endorses and will work to pass AB 19, by Assemblymember Mark Leno. This is about one civil rights movement joining forces with another to affirm shared values of social justice. Our struggles for economic justice and equality are rightfully linked: the farm workers current boycott of Gallo wine and the battle to achieve equality for all through AB 19.

This announcement has special meaning for me. Beginning in the 1970s, before there was widespread public acceptance of gays, especially among Latinos, my grandfather, Cesar Chavez, spoke out strongly for gay rights. He attended gay rights rallies and marches. He brought with him the UFW's black-eagle flags and farm workers who wished to participate.

There are certain lessons a granddaughter learned from growing up around her grandfather: You can't champion equality for your own people when you tolerate discrimination against any people because of who they are. Also, leadership isn't about following the crowd. It's about getting out in front and leading people in the right direction.

Because they have so often been the victims of discrimination, farm workers and Latinos of all ages have a strong affinity for equal rights and opportunities. Freedom is indivisible. You cannot grant it to some and deny it to others. It is either for everybody or it is for nobody.

Many other unions also endorsed AB 19, including the Service Employees International Union, the American Federation of State, County and Municipal Employees and Unite-Here.

Miriam Pawel never asked the UFW about its activities on behalf of AB 19, so the union did not have an opportunity to respond in her story.

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*“The current UFW leaders have jettisoned other Chavez principles:*

*“The UFW undercut another union to sign up construction workers, poaching on the turf of building trade unions that once were allies....*

*“...After signing a contract to represent the assemblers, the UFW helped the company petition the state for a job-classification change that would have allowed the firm to pay lower wages on public jobs...*

*“The UFW forfeited the right to boycott supermarkets and stores, a tactic Chavez pioneered, in order to sign up members in unrelated professions.”* (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

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*“The current UFW leaders have jettisoned other Chavez principles.”*

From the very beginning, Cesar Chavez and Dolores Huerta’s strategy was always to create a movement as well as a union that would address both the work place dilemmas and social problems workers faced. Early examples of this principle include the Farm Workers Credit Union, death benefits, a cooperative gas station and social and educational services. (See extensive discussion about these early principles in any number of histories and biographies of Cesar Chavez and the Farm Worker Movement.)

Current leaders of the Farm Worker Movement continue to follow these principles.

*“...undercut another union...”*

Bruns Belmont is the pre-fab building construction firm in San Jose with a factory in Lathrop that produces pre-fab units that Miriam Pawel references. Most workers at the company are Latino; some are former farm workers. They were not represented by any union when they approached the UFW and asked it to represent them. The UFW organized the workers and proved to the company that a majority had signed cards authorizing the union to be their representative. The company recognized the UFW under provisions of the National Labor Relations Act and negotiated a contract. **The UFW could not have “poached” on another union since no other union represented the workers. Existing building trade unions had not organized them. In fact, the type of work these workers were then undertaking, called new modules, was outside the standards established by the state Labor Commissioner.** The UFW does not organize workers represented by other unions.

In any case, the UFW didn't have the chance to refute Pawel's charges since she never asked about the specific allegations she would include in her story.

*"...job-classification change..."*

Since there were no state standards in place for the type of work Bruns Belmont workers were engaged in, after the UFW was recognized and negotiated a union contract, the company requested the UFW help ask the state of California to set standards for the first time concerning this new and specialized modules work. None of these jobs fell within any of the categories set by the Labor Commissioner.

Later, objections were made to the standards the state had set. The UFW encouraged the company to abide by whatever standards the state established. There was no "job-classification change" since none of these jobs fit into existing categories.

Miriam Pawel never raised this issue with the UFW so the union's response did not appear in her story.

*"...forfeited the right to boycott supermarkets..."*

The UFW's ability to engage in what are called secondary boycotts (boycotting retail outlets that carry an agricultural product as opposed to boycotting a particular agricultural product) was significantly compromised by decisions of the California Agricultural Labor Relations Board long before the UFW "forfeited" this right by organizing workers in bargaining units covered under the National Labor Relations Act, which bans secondary boycotts.

In 1989, the ALRB ruled in 15 ALRB No. 10 (involving the UFW and Careau Group, dba Egg City) that the union could only engage in secondary boycotts if the particular store carried the product being boycotted. So even if stores in a chain of supermarkets carried the product in general, the union had to be certain that the product was inside the particular store being boycotted and picketed. In practice, the burden was placed on the union to prove that the boycotted product was on the shelves at the time of the picketing, an almost impossible burden given the commingled warehousing of fresh farm commodities. When the union set up a picketline outside a supermarket, management would move the boycotted product to another store location. It became a game of chasing the product from one store to another.

In another case, in 1993, 19 ALRB No. 15 (involving the UFW and the California Table Grape Commission), the ALRB ruled the union could only engage in secondary boycotts if the supermarket carried table grapes from an

employer where the UFW was the certified bargaining representative. So the store would remove all labels identifying grapes from the company where the union was certified and mix in table grapes from different growers. There was no way for the union to verify that the store was carrying table grapes from a UFW-certified company.

The ALRB's rulings in both of these cases remain the law in California today.

As a result of these decisions, the UFW in recent years adopted effective new tactics to pressure employers to bargain in good faith through consumer campaigns, creative ways of using the First Amendment such as those efforts the union mounted that produced contracts at Pictsweet Mushroom Farm and Gallo of Sonoma winery. What's more, L.A. Times reporters such as Fred Alvarez and Miriam Pawel wrote numerous stories chronicling these new and innovative tactics. (See listing above.)

Pawel never raised this issue with the UFW so the union's response did not appear in her story.

\* \* \*

*“By summer of 1973, as striking farm workers filled jails, walked picketlines and faced violent confrontations with Teamsters, Chavez presided over the first convention of the United Farm Workers of America. The preamble to the new constitution spoke eloquently of the need for the union and the determination of its founders:*

*“We, the Farm Workers of America, have tilled the soil, sown the seed and harvested the crops. We have provided food in abundance for the people in the cities, the nation and the world but have not sufficient food for our own children...And just as work on the land is arduous, so is the task of building a union. We pledge to struggle as long as it takes to reach our goals.*

*“In 2002, Chavez's heirs excised the preamble.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)*

Farm workers elected as delegates to the UFW's 16<sup>th</sup> Constitutional Convention in Fresno voted in September 2002 to change the preamble by broadening the language to embrace other food-related and immigrant Latino workers. The new preamble was drafted and together with other changes in the constitution made by delegates will be published in the new version of the constitution that is distributed at the next union convention. The new preamble still includes farm workers.

Under Article 2 of the UFW Constitution, entitled, “Jurisdiction,” Section B, adopted at the union’s 2002 constitutional convention, states, “The trade jurisdiction of the union shall be all agricultural and non-agricultural workers.”

Miriam Pawel never asked the UFW about the preamble so the union didn’t have a chance to comment for her story.

\* \* \*

“A few hundred miles away, in the canyons of Carlsbad north of San Diego, hundreds of farm workers burrow into the hills each year, covering their shacks with leaves and branches to stay out of view of multimillion-dollar homes...”

“[Photo caption:] HARD WORK: At the end of the strawberry picking season, Isai Rios, 17, lugs muddy plastic out of a field in Carlsbad. He and his father were living in a camp with no water or electricity. Like many young farm workers, he’d never heard of Cesar Chavez.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Miriam Pawel repeatedly returns in her stories to the Carlsbad area of northern San Diego County. The UFW’s limited resources mean it can’t be every place where the need is great in California. There are deplorable conditions in northern San Diego County and in many other agricultural areas of the state and country. The union wishes it could address them everywhere. But the UFW’s organizing focus has been the Central Valley and Central Coast, the greatest concentration of farm workers in America. The UFW was active for years in southern San Diego County, out of San Ysidro, before urbanization forced out most agricultural operations.

Pawel could have talked with countless workers in the agricultural regions of California where most farm workers labor—including the heart of the state’s strawberry industry in Monterey, Santa Cruz and Ventura counties—who have certainly heard of Cesar Chavez and the UFW. Pawel met and heard from farm workers during union meetings and events who were working under UFW contracts or engaged in union organizing campaigns. Pawel never reported on any of those discussions.

All the strawberry workers whose stories are included in UFW fundraising appeals signed declarations under penalty of perjury verifying the truth of their statements and acknowledging their words can be used by the union in appeals to its supporters. Some of their names were changed to protect their identities.

\* \* \*

“In 2006, the UFW does not have a single contract in the table grape vineyards of the Central Valley where the union was born.”

“Nor does it have members in many other agricultural swaths of the state: the union Chavez built now represents a tiny fraction of the approximately 450,000 farm workers laboring in California fields during peak seasons—probably fewer than 7,000.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Miriam Pawel was one of two L.A. Times reporters who personally covered intense union organizing activities last year in the Central Valley table grape industry. In summer 2004, the union began a major organizing campaign among Central Valley vineyard workers. Pressure from the organizing drive and demands by the workers forced the table grape industry to grant pay raises and significant increases in pruning rates beginning in 2005, and the UFW mounted what national union experts described as the largest private-sector election campaign in the nation during the past year, at Giumarra Vineyards Corp. The union came very close to winning the election despite employer threats and intimidation. (That contrasts with the last election at Giumarra in 1977, when the UFW lost by a big margin.) In November 2005, the state Agricultural Labor Relations Board ruled evidence submitted by the UFW established a *prima facie* case that Giumarra broke the law. Hearings have been set to begin in February that could result in the election being thrown out.

After recent union organizing and contract campaigns, the UFW represents 72 percent of the state mushroom industry and about 10 percent of the California strawberry industry, both on the Central Coast, and 55 percent of the state’s rose industry.

Altogether, the UFW has 50 contracts and about 27,000 individual workers who labor under UFW agreements at least one day out of the year. Unlike industrial occupations where employees labor at a work site year round, farm labor is highly seasonal and transient. Most workers are employed during the harvest season, which can last from many months to a matter of a few weeks. Often, two or more workers occupy a job during the course of a year.

The lower membership number Pawel cited is sometimes derived from annual LM2 forms the UFW files with the U.S. Department of Labor. Federal officials require unions to list their membership as of Dec. 31, when relatively few farm workers are employed. Despite comments from the union that this practice does not accurately reflect the UFW’s membership, federal officials have consistently told the union to follow instructions on the form.

Others attempt to compute backwards, trying to estimate the number of union members paying dues from the amount of dues revenue the UFW reports, which was more than \$2 million in 2004. But there are serious flaws with this method. The biggest mistake is assuming a farm worker’s entire annual income as reflected in UFW dues revenue is earned while working under union contract. Most farm workers labor for more than one employer in a year. The UFW

admittedly has union contracts with only a small percentage of California growers. Although there are some exceptions, most farm workers can't work the entire year under the protections of UFW agreements.

Miriam Pawel never asked the UFW how many members it has so the union didn't have the opportunity to have this discussion for her story.

\* \* \*

*"In 2002, assessing the bleak circumstances, the UFW board made a dramatic shift. It changed focus and chose to capitalize on the growing Latino population across the country. The board deleted all specific references in UFW constitution to agricultural workers, including the preamble.*

*"Our overall goal is helping to improve the lot of 10 million Latinos by 2015. We're definitely going to go beyond farm workers. What those industries are, how we do it, we don't know yet," Rodriguez said. ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)*

Contrary to Miriam Pawel's claim that the UFW executive "board delegated all specific references in the UFW constitution to agricultural workers, under Article 2 of the UFW Constitution, entitled, "Jurisdiction," Section B adopted at the union's 2002 constitutional convention, states, "The trade jurisdiction of the union shall be all agricultural and non-agricultural workers."

The UFW has never wavered from its commitment to organize farm workers. It never shifted its focus. Pawel misrepresented Arturo Rodriguez's statements. Here is her question and his response from the transcript prepared from dictation of their Oct. 24, 2005 interview:

Miriam Pawel: How do you balance things? How do you balance farm workers and non-farm workers in representing other Latinos and the goal of, the movement's goal of helping 10 million Latinos by the year 2015?

Arturo Rodriguez: **Our focus in the UFW is really to look at farm workers and folks who are in related types of food industries in terms of collective bargaining and win the opportunity to represent as many of those workers as possible.** That's a lot of our strategic planning and long-term planning focused in on that. To be as successful as we can in that arena. **In terms of representing workers in collective bargaining, that's where we can be most effective because of the knowledge we have and the trust and need in that work force.**

During another part of the same interview there was this exchange between Pawel and Rodriguez:

Miriam Pawel: This still sounds consistent with your overall goals of helping Latinos by the year 2015?

Arturo Rodriguez: **The UFW's role in that is providing representation to workers in the work place. That's our role. How do we make that happen within the UFW? How do we develop a membership base in ag production? Again, that's where our focus is.** But we can't ignore what's happening in the industry and not do something about it. There are all kinds of different options. But we won't make the same mistake we've done in past and allow employers to escape and deny worker opportunities to live the American dream.

In her story, Pawel misrepresented helping 10 million Latinos as the UFW's goal instead of the goal of the larger Farm Worker Movement, where it is the mission of non-profit organizations other than the union such as the National Farm Workers Service Center that builds affordable housing and operates a network of Spanish-language educational radio stations reaching farm workers and other low-income Latino families. This broad movement goal is also being furthered by the work of La Union del Pueblo Entero (LUPE) with its community organizing and outreach programs, the Farm Worker Institute for Education and Leadership Development with its workforce development and vocational English programs and the Cesar E. Chavez Foundation, which seeks to inspire new generations to be of service to their communities. During the Oct. 24, 2005 interview with Pawel, Rodriguez made it clear on more than one occasion that the UFW's focus is organizing and representing workers in the agricultural industry.

\* \* \*

*[Summary of Pawel claim: When Oaxacan strawberry workers in Santa Maria, Calif. approached the UFW for help in organizing after an activist was fired for staging walkouts, the union effectively tried to buy off the fired worker and paid him for six months but UFW Secretary-Treasurer Tanis Ybarra failed to make good on "initial promises" to pledge "whatever support the workers needed to continue organizing—an office, telephones, a computer... 'We lost faith,' Pawel quoted another worker as saying. "We didn't want to organize anymore." ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)*

UFW Secretary-Treasurer Tanis Ybarra traveled to Santa Maria and met with workers who had engaged in wildcat strikes at several strawberry companies. According to the workers, the growers blacklisted their leader, Pedro Lopez. The workers asked for help. The UFW agreed to provide assistance and helped them file unfair labor practice charges against growers with the Agricultural Labor Relations Board. The workers said what they really needed was for the union to hire Lopez so he could continue organizing his fellow workers.

Ybarra turned matters over to UFW South Coast Regional Director Lauro Barajas, who is based at the union's office in Oxnard. By then, the Santa Maria strawberry season was nearly over. Most of the crop had been picked. Many workers were leaving the area. Further strikes would not have been effective. Barajas told the workers they needed to prepare for further organizing and union elections when the 2000 harvest season began in April and May. The workers agreed. The union told them it was committed to help.

As part of that commitment, in July 1999 the workers asked Barajas for the UFW to hire Pedro Lopez as an organizer, which it did.

Barajas worked closely with Lopez in preparing a plan to organize strawberry workers in Santa Maria and hold ALRB-supervised union representation elections. California law prohibits elections unless a majority of the workers are presently employed, which meant elections had to wait for the next year's harvest.

Barajas traveled the long distance back and forth to Santa Maria from Oxnard almost every week for five months, working with Lopez and his wife. Barajas also came for meetings attended by dozens of farm workers. In September and October, the UFW won the unfair labor practice charges the union had helped the workers file, prompting the companies to settle the cases. Some of the workers told Barajas that Lopez was asking them to share some of money from their settlement checks with him. It appeared to Barajas that many of the workers in Santa Maria had lost trust in Lopez.

By November and December 1999, fewer and fewer workers were showing up for the meetings Barajas came to attend in Santa Maria. It was important to get the workers ready for organizing and elections during the upcoming 2000 harvest, Barajas urged Lopez. By the end of the year, Lopez told Barajas he didn't want to continue organizing—"that it was too hard," Barajas reported. The union's Human Resources Department records show Pedro Lopez was hired on July 15, 1999, and laid off on Dec. 31, 1999.

Tanis Ybarra informed Miriam Pawel about some of this information in a phone call she placed to him last year. The union didn't have an opportunity to respond to other specific charges contained in her story because she never asked the UFW about them.

\* \* \*

*"The UFW spent \$940,000 last year on direct-mail fundraising appeals, its largest expense after salaries, according to tax returns. Donations account for almost one-third of the UFW's budget—more than \$2 million a year—and consistently more than member dues, which hover around \$2 million."* (*"Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006*)

Dues paid by farm workers under union contract go to help negotiate and

administer their contracts. Donations are a key source of support for the UFW's campaigns to organize farm workers that now represent up to 50% of its annual budget. The \$940,000 spent on direct-mail fundraising helped raise most of the \$2 million, most of which the union spent on organizing.

Miriam Pawel didn't say UFW dues receipts went from \$734,696 in 1994, when the current campaign began, to \$2,077,320 in 2004, according to annual LM2 forms filed by the UFW with the U.S. Department of Labor that Pawel scrutinized. The increase came from farm workers whom the UFW organized and helped win union contracts between 1994 and 2004, the period covered by Pawel's L.A. Times series. Pawel had this information in writing and from her own observations but didn't use it in her stories. (See Dec. 29, 2005 letter to Pawel from Arturo Rodriguez in the notes that follow.)

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*“Rather than making elections and contracts its primary focus, the UFW has concentrated on selling annual memberships for \$40 a year to build grass-roots support. They remind workers that the laminated membership cards can be used for identification, something many undocumented workers want.”* (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Miriam Pawel does not fully appreciate what a formal, presentable identification means to farm workers who are undocumented. They can use them to cash checks, open bank accounts and transact day-to-day business.

Pawel is referring to the UFW's “associate member” campaign. It allows farm workers at non-union companies to receive benefits and help from the union such as assistance with filing and pursuing back wage claims and denial of other worker protections like employer-provided equipment with the state Labor Commissioner's office as well as filing workers compensation and unemployment insurance claims. The UFW helps associate members not under union contract or even involved in ongoing organizing efforts who are fired for engaging in concerted activities. The union also provides simple services such as interpreting English-language documents.

Some major class action lawsuits were initiated after associate-member farm workers came to the UFW seeking remedies for their grievances. One victory in September 2005 resulted in a Delano-area table grape grower agreeing to pay 500 harvesters \$1.7 million to settle a federal class action lawsuit charging the employer with forcing workers to labor off-the-clock a half hour a day without being paid between 2000 and 2003. The 23-page settlement agreement between Earlimart, Calif.-based Kovacevich “5” Farms and the farm worker plaintiffs was signed by Fresno U.S. District Court Judge Oliver W. Wanger.

Arising out of the associate member program, the lawsuit exposed violations of state and federal minimum wage and hour laws “common in the

table grape industry,” UFW President Arturo Rodriguez said at the time. “Because these workers were organized, they pursued their demand to be treated fairly and be paid as the law requires through the federal court system.”

Although the official shift began at 6:30 a.m., workers at Kovacevich had to show up at 6 a.m. and spend half an hour unloading wheelbarrows and supplies and placing them in vineyard rows so work could start on schedule. That half hour was considered “off-the-clock” time for which harvesters were not compensated. The suit also cited the company for failing to supply workers with tools necessary to do their jobs, another violation of state law.

“With interest, the total actual damages figure...is \$321,440.96,” Judge Wanger wrote in the settlement document. “The total settlement fund of \$1.7 is more than five times the actual damages figure. This is a significant victory for the class” of workers at Kovacevich, the judge wrote. Pawel received a news release from the UFW on the settlement of this lawsuit in September 2005.

Settlement of another class action lawsuit in 2003 arising out of the UFW’s associate member program meant 37 workers at the nation’s largest artichoke operation received more than \$181,000 for time they worked without pay while being transported to and from work on company vehicles in Monterey County. The settlement came nearly three years after the California Supreme Court ruled compulsory travel time must be paid. It was filed in December 2001 after workers employed by Sea Mist Farms LLC and Sea Breeze Harvesting turned to the UFW for help. Both companies headquartered in Castroville are affiliates of Ocean Mist, the biggest artichoke operation in the United States.

Over four years, from Dec. 3, 1997 to Dec. 3, 2001, the lawsuit alleged that the defendants required workers to report to a central location, a parking lot, from which they were driven in company buses to Monterey County fields. They were not paid for their travel time or for various pre-shift and post-shift tasks such as putting on company-issued equipment, loading tools and exercises.

Settlement of a third class action lawsuit several years ago also hailed from associate-member farm workers turning to the UFW for assistance over back-wage claims involving a Central Valley employer in the Kings County community of Hanford. The workers first came to the UFW to organize. Attorneys to whom the workers were referred by the UFW ended up settling the case for a substantial amount of money for the workers.

Most recently, the UFW associate member campaign that began among Central Valley table grape workers in 2004 built momentum that led to the union convincing Gov. Schwarzenegger in August 2005 to issue the nation’s first state regulation aimed at preventing heat-related deaths and illnesses among farm workers.

It also turned into the major organizing campaign at Giumarra Vineyards Corp. in summer 2005. Many worker leaders of the Giumarra organizing effort came out of the associate member drive.

In addition, the UFW has mobilized to aid large numbers of farm worker associate members poisoned by pesticides. In 1999, much of the small Tulare County farm town of Earlimart was evacuated after pesticides applied to a nearby field drifted into the community. The union investigated and pressured the pesticide application company to agree to pay the medical bills of residents who required emergency care. The UFW set up and ran a trust fund paid for by the grower and applicator to cover the ongoing medical needs of poisoned residents. Nearly all of them were farm workers.

The union responded by coming to farm workers' assistance during a number of mass poisoning incidents in Kern County fields and vineyards. They include a similar "drift"-poisoning poisoning incident in the farm worker town of Arvin in 2002 and another incident the same year in Lamont involving 130 farm workers and other residents. In 2005, the union helped 27 Arvin-area table grape workers poisoned once more by chemicals applied to an adjacent field. More than dozen blueberry packers were poisoned in 2005 by carbon monoxide. Also that year, a crew of table grape workers near Delano were ordered into the vineyard too soon after pesticides were applied and became ill; many were transported to the hospital.

There have been many other pesticide poisoning events to which the UFW has responded. In each case the union helped ensure its associate members received proper medical care and representation from qualified workers compensation attorneys. Union organizers also ensure county agricultural commissioners, county health officials and the state Department of Pesticide Regulation fully investigate the incidents.

The UFW used all these poisonings to build support at the state Capitol for passage in 2004 of SB 391, the bill the union sponsored by state Sen. Dean Florez (D-Shafter) providing training for emergency responders and a fund paid for by growers and pesticide applicators that is used to cover health bills incurred by poisoning victims. Victims, who usually don't have health insurance, have often been left with unpaid bills for medical care arising out of the poisonings.

Another frequent service the UFW has provided associate members is help in filing and obtaining settlements for unpaid back wages. Too often growers and farm labor contractors fail to pay workers the wages they are owed. Many workers are undocumented or are unaware of their rights to file wage claims with the state Labor Commissioner's office. The UFW helps many farm workers file claims and represents the aggrieved workers at state hearings. Because the formal state process often takes so long, the union directly approaches errant labor contractors and convinces them to pay workers their wages.

Altogether, the UFW's associate member program operating just out of Delano has produced more than \$250,000 for farm workers in back wage claims and settlements in the last five or six years.

\* \* \*

“The goal of the Martin Luther King Farm Workers Fund could not have been clearer: The foundation was ‘irrevocably dedicated’ in 1976 to providing healthcare, education and social services for farm workers. (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Originally set up as a non-profit, tax-exempt organization to provide social services for farm workers, the MLK fund operated a series of service centers providing storefront services. To satisfy the requirements of the Internal Revenue Service, the fund was reorganized as a private non-operating foundation in 1991 to provide ongoing support for other non-profit organizations delivering services to farm workers and other working families. Since Miriam Pawel refused to detail the specific charges her stories would level, including this one, the Farm Worker Movement did not have an opportunity to adequately respond.

\* \* \*

“The money has not been spent on farm workers in more than a decade.

“For years, tax returns show the fund has had about \$10 million, which sits accumulating interest. Each year, the board doles out a small percentage—the minimum required by law to maintain its tax-exempt status—to support the operations of the Farm Worker Movement.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

This is not true.

Since 1994, the fund has donated just under \$5 million to non-profit organizations, including those developing Spanish-language educational radio stations primarily serving farm workers, initiating community organizing to improve life in local farm worker areas of California and Texas, helping farm workers and other workers improve their job skills and learn vocational English and educating young people about Cesar Chavez's life and work. Grants also went towards construction of the National Chavez Center, which reaches out to young people in the Central Valley and elsewhere.

In the early 1990s, the board of trustees of the Cesar E. Chavez Community Development Fund (the name was changed from the Martin Luther King fund after Chavez's death in 1993) embarked upon a new policy designed to address current needs but also to grow the endowment to better serve the needs of expanding farm worker and Latino communities.

If the Farm Worker Movement had been aware Miriam Pawel was going to make the claim that “the money has not been spent on farm workers in more than a decade,” it could have easily demonstrated the falsity of the allegation.

\* \* \*

“The fund also lent money to help the National Farm Workers Service Center, a UFW affiliate, rehabilitate an apartment complex—in the hills of San Francisco, nowhere near the fields.” (*“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006*)

Once again the service center is not a “UFW affiliate.” It is an independent non-profit organization with a separate and distinct mission, staff and budget.

The Chavez development fund has a social investment and loan portfolio. One of its loans went to preserve affordable housing for low-income residents at a run-down and dilapidated apartment complex in San Francisco. Another example is the loan providing the mortgage for Casa Hernandez, the service center’s Delano complex for former farm workers who are retired senior citizens. It offers amenity-rich and dignified housing with an array of social services geared to seniors. A one-bedroom garden apartment begins at \$215 a month; two-bedroom units start at \$245 a month. This 80-unit project is located across the street from the first office of the farm workers union founded by Cesar Chavez and Dolores Huerta in 1962.

Proceeds from investments and loans enable the fund to issue charitable grants to non-profit organizations building high-quality, amenity-intensive rental housing complexes in farm worker areas, offering a wide array of social services for tenants in those complexes (from early childhood development to programs for seniors), operating educational Spanish-language radio stations primarily serving farm workers, conducting classes to help farm workers improve their job skills and learn vocational English, and exposing new generations to the life and legacy of Cesar Chavez, including the values of nonviolence and learning by serving others. Grants from the Chavez development fund help these and other organizations continue to aid farm workers and other poor Latino working families.

\* \* \*

“When the UFW was focused on organizing farm workers in the 1960s and 1970s, the union operated its own health clinics and credit union, offered legal assistance, immigration counseling, social service referrals and income tax preparation.” (*“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006*)

The farm worker clinics, which were operated by the National Farm Workers Health Group and not the UFW, became less necessary by the late

1970s once more farm workers won health care benefits under union contracts so they could go to their own doctors and health care facilities, and rural health programs got started and expanded. The health group also faced serious obstacles in obtaining funding and recruiting doctors and nurses. Decades ago there was no coverage for farm workers under government programs such as unemployment insurance (that UFW helped win in 1975) and Cal-OSHA (which the union also helped obtain). Additionally, at least in part because of efforts by the UFW, there are many more government-funded health clinics for farm workers today than there were 30 and 40 years ago. There are also many more social service or health providers—the UFW works with many of them—than there were in the union’s early years.

Many of the services Miriam Pawel cited are still provided farm workers by the UFW through its associate member program and by La Union del Pueblo Entero, LUPE, through its community organizing programs in farm worker communities in South Texas and California.

The Farm Workers Credit Union merged in the 1990s with a larger credit union capable of offering a full array of critically needed financial services for farm workers such as credit cards, use of ATM machines, mortgage financing for homes and cars as well as investments.

The activities Pawel described above were the Farm Worker Movement’s response to the needs of the 1960s and ‘70s. Today the movement focuses on affordable housing for farm workers and other Latino families, educational Spanish-language radio stations, programs to improve the educational performance of farm worker children, skill improvement and English-language classes for farm workers, and community organizing in farm worker areas.

\* \* \*

*“The tasks of providing legal advice, immigration counsel and healthcare for farm workers today falls largely to ad hoc coalitions of non-profit groups and volunteers.”* (“*Farmworkers Reap Little as Union Strays From Its Roots,*” Jan. 8, 2006)

Beginning in the late 1960s, the UFW deliberately concentrated its scarce legal resources on supporting union organizing, collective bargaining, strike and boycott activities as opposed to supplying large-scale legal services to individual farm workers. Government-funded legal aid groups such as California Rural Legal Assistance were established at that time to provide services and counseling to individual workers. Miriam Pawel never raised this issue so the union didn’t have an opportunity to respond.

The UFW negotiated with the nation’s agricultural industry to create the historic AgJobs bill that would let hundreds of thousands of U.S. farm workers—perhaps half of them in California—earn the right to permanently stay in this

country by continuing to work in agriculture. AgJobs would create the greatest opportunity for undocumented farm workers to adjust their legal status since amnesty was granted undocumented farm workers under the 1986 immigration reform law, which UFW co-founder Dolores Huerta and the union crafted and got enacted. Approximately 1.3 million U.S. farm workers became legal residents because of the 1986 law.

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*“Today one UFW affiliate, the Farm Worker Institute for Leadership and Development, offers two English classes; although farm workers attend for two hours each evening after work, the classes always have long waiting lists.”*  
*(“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)*

The Farm Worker Institute for Education and Leadership Development, FIELD, is not an affiliate of the UFW. It is a separate, independent non-profit organization with its own distinct mission, staff and budget. FIELD conducts work force and economic development. It presently runs eight classes with 20 students each for farm workers in five Central Valley communities. Classes help workers with vocational literacy in English. They assist workers in upgrading their job skills so they can qualify for better-paying positions in the agricultural and related seasonal industries.

Altogether, over five years more than 6,000 farm workers have benefited from taking classes through FIELD.

Each class consists of three consecutive levels. Every level has 150 hours of instruction over 10 weeks, three hours each day or evening for five days a week. So every class totals 450 hours of instruction over a 30-week period.

Every year for the last three years, FIELD had sponsored a graduation ceremony averaging approximately 400 workers. In 2004, state Superintendent of Public Instruction Jack O’Connell presided over ceremonies in Bakersfield where 600 farm workers received their certificates of achievement after completing the three levels of study. Last year’s graduation ceremony featured state Labor Agency Secretary Victoria Bradshaw.

FIELD’s programs are based on a pioneering strategy of carefully researching the skills most needed by the agricultural industry and designing curriculum that trains workers for jobs that fill those needs. This has never been done before in the nation’s farming sector.

Another key FIELD program is helping growers improve productivity and quality from their workers and management personnel by once more researching the skills the industry needs and creating curriculum to meet those needs. The curriculum includes the companies’ operational needs as well as improving health and safety on the job, a crucial issue in agriculture. As part of this

program, FIELD has trained about 3,000 workers at 15 agricultural companies in the Central Valley, Central Coast and Ventura County.

Last year FIELD began sponsoring health education fairs throughout the Central Valley as well as in Napa, Sonoma and Ventura counties. Some 3,000 farm workers and their families have participated in the fairs.

In summer 2005, FIELD was issued a \$250,000 grant by the governors of Oregon and Washington to expand its educational programs into those Pacific Northwest states.

FIELD Executive Director David Villarino shared all this information and more with Miriam Pawel during a lengthy interview at his Bakersfield office last summer. Then Pawel accompanied Villarino as they visited four FIELD evening classes, two each in the nearby farm worker communities of Arvin and Shafter. After all that input how can Pawel only describe FIELD as an organization that “offers two English classes”?

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“The UFW-affiliated radio station offers one weekly call-in show on health issues—hosted by a Bakersfield doctor who has paid the station rates as high as \$300 an hour for the time.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

“Started by Cesar Chavez to communicate with farm workers, the network known as Radio Campesina has evolved into a commercial success by adopting a format of mostly popular music and catering to a younger audience and advertisers eager to reach the growing Latino market.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

Once again, it is inaccurate to describe the eight-station, three state Radio Campesina network as “UFW-affiliated.” Radio Campesina is operated through the National Farm Workers Service Center with a distinct mission, staff and budget.

The doctor does not pay for the weekly educational radio program Miriam Pawel cited. Non-profit agencies and health care providers sponsor it. The show is syndicated to eight media markets reached by Radio Campesina stations, including the Central Valley, the largest concentration of farm workers in the nation, and the heart of seasonal vegetable production in California and Arizona.

Pawel implies this is Radio Campesina’s only educational program. This is far from the truth. The following are some of the shows produced and aired by Radio Campesina (visit <http://www.campesina.net>):

“Despierta Ya Campesino” (“Wake Up Farm Workers”) is aired on a daily basis Monday-through-Friday during early morning farm worker drive time as workers are traveling to the fields. Dedicated to helping farm workers understand and exercise their rights under the law, the show presents labor and community issues from the point of view of immigrant farm workers and their families. Frequent live radio interviews are aired with farm workers plus labor authorities, civil rights attorneys, occupational health and safety experts and farm labor contractors, among others. Listeners call in to voice their own opinions on topics of the day.

“Punto de Vista” (“Point of View”) is also aired daily, Mondays through Fridays, from 10-11 a.m. It features local consumer, education and social service subjects, from auto safety to banking—how to open a checking account and why it is important to save money. Wednesday’s shows, entitled “Foro Sin Fronteras” (“Forum Without Borders”), examine immigration policies facing farm workers and immigrant families. Thursday’s programs, called “Su Salud” (“Your Health”), deal with a variety of health concerns—such as preventive health measures, elderly care, illnesses, women’s health, child and prenatal care. Other weekday shows tackle other relevant topics. Friday’s subjects vary on a weekly basis; they range from cultural and family issues to national news and policy. All these programs encourage audience members to call in with their comments or questions.

“Escucha y Ponte Trucha” (“Listen and Be Wise”) is yet another daily Monday-through-Friday afternoon educational program with hard-hitting treatment of issues affecting farm workers and immigrant Latinos. They include the anti-immigrant hysteria gripping much of the country, employers failing to pay proper wages and political topics of the day affecting farm workers and other immigrants. Program producers regularly invite representatives from other community organizations to appear and share their agendas and perspectives. Since it is aired only in California, “Escucha y Ponte Trucha” concentrates on pending legislative and regulatory proposals at the state Capitol. It gives workers an opportunity to speak up and be heard as they expose the unfair treatment they too often receive from foremen or labor contractors.

“Mujer” (“Woman”) airs on Saturdays and is geared to the concerns and issues confronting farm worker women and other Latinas.

These programs also directly assist farm workers by calling on foremen, supervisors and labor contractors to make good on back wage claims and other daily injustices.

In addition, local Radio Campesina stations originate, produce and air their own educational programming beyond the shows that are syndicated by the network out of its central studios in Bakersfield. One example is the program

aired by the Phoenix station on Arizona state politics and current affairs hosted by one-time Democratic gubernatorial candidate Alfredo Gutierrez.

Beyond these programs are a full line up of public service announcements airing on a regular basis and addressing a multitude of topical issues such as the right of farm workers to organize and receive overtime pay as well as PSAs urging listeners not to smoke and encouraging parents to enroll their children in early childhood development programs. Many individuals and organizations also use Radio Campesina stations to announce and promote their events.

Then there are the extensive community outreach efforts undertaken by Radio Campesina. Fifteen such events were held last year alone, setting a record. Among them were 10,000 workers and family members at “Dia del Trabajador” (“Day of the Worker”) in Salinas last August; 3,000 people at a farm worker health forum in Lindsey during September; 5,000 attending health fairs in one week in Woodlake, Fresno, Tulare and Bakersfield in October; and 800 at a health fair in Bakersfield during November co-sponsored by Radio Campesina and the Kern County Department of Public Health. Radio Campesina often broadcasts live from these community events.

The radio network also works with local non-profit groups to publicize their activities and drives. It sponsors charitable events, from toys for needy children during the holiday season to disaster relief in response to earthquakes, hurricanes, freezes and floods. Money donated by listeners of the Phoenix station was used to build 15 new houses for victims of one Central American flood.

National Public Radio and the Corporation for Public Broadcasting have visited Radio Campesina, and offered technical assistance. The network has won a series of awards for its innovative educational programming, including the “Good News Award” from PG&E for its programs on women’s issues and the Best Community Talk Show honor from New California Media, a coalition of media organizations reflecting different cultural and linguistic backgrounds.

Pawel never asked whether the one program she wrote about represents the extent of Radio Campesina’s educational programming.

\* \* \*

*“And Chavez’s heirs broke with labor solidarity and hired non-union workers to build the \$3.2-million National Chavez Center around their founder’s grave in the Tehachapi Mountains, a site they now market as a tourist attraction and rent out for weddings...”*

*“Very few [affordable housing units] are for farm workers.*

*“Almost all [service center housing projects] have been built with non-union labor.*

“It’s a tricky one,’ said Paul Chavez, who has run the charity since being tapped as president by his father, Cesar Chavez, in 1990. ‘We do the best we can. You should honor labor, you should help poor people.’

“Paul Chavez said that only by paying lower, non-union wages can he hope to meet the Service Center’s ambitious goal of housing 100,000 people in the next decade. The organization provides housing and services for lower-income families, who work mostly in service, retail and construction jobs...

“When the Service Center rejected a union roofing contractor’s bid as too high, roofers union official Joe Guagliardo denounced it as a double standard, saying farmers use the same rationale to oppose the UFW.

“‘United Farm Workers Are Hypocritical—Shame,’ read the banner Guagliardo draped from his truck, which he parked outside UFW headquarters one weekend. The Service Center reversed itself and told the union its roofers would get the job on the Bakersfield apartment complex. ‘They didn’t want my truck there,’ Guagliardo said. ‘Bad for business.’”

“...Like the Bakersfield project, most of the Service Center’s housing projects are not aimed at farm workers, whose low salaries and intermittent work make them less desirable tenants.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

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“...Very few [affordable housing units] are for farm workers....Service Center’s housing projects are not aimed at farm workers...”

Such claims are categorically false. Take Miriam Pawel’s example citing the Bakersfield project: Actually, two housing projects targeting farm workers and other low-income working families are now under construction or in development in the “La Colonia” barrio of East Bakersfield, the heart of the city’s farm worker community. Project rents will begin at \$228 per month for a two-bedroom, 1,000 square foot apartment for working families. Three-bedroom, 1,200 sq. ft. units will begin at \$266 per month. Four-bedroom, 1,300 sq. ft. apartments for similar families will begin at \$299 per month. These rents are well within the range of affordability for farm workers. Developing apartments at these levels of affordability and placing them in farm worker communities insures farm workers will benefit.

Pawel never raised claims such as service center housing projects failing to benefit farm workers despite two lengthy interviews with Paul Chavez in April and September 2005, and numerous exchanges of questions and answers via email. So Paul Chavez and the service center had no opportunity to respond.

*“...broke with labor solidarity...Almost all [service center housing projects] have been built with non-union labor...”*

The following are excerpts from an email Paul Chavez sent Miriam Pawel on Nov. 15, 2005:

We take exception to your characterization of “extensive use of non-union labor” without understanding the steps we take to include labor in our work...those of us providing affordable housing must fulfill our mission to house poor people while making every effort to honor labor.

Whenever the service center has a project, we go to the local building trades and provide them with multiple sets of the plans, letting the unions know exactly what we’re planning to do. We ask them to pass these plans on to union contractors so the contractors can bid on the jobs. Beyond that, we also look for union contractors by distributing this information in the local trade publication to which all union building trades subscribe.

In most cases, we receive very few bids from union contractors. Most bids come from non-union companies. Our experience, especially in the Central Valley, is that the small number of union contractors is very busy with large industrial or infrastructure jobs such as freeways, hospitals and schools. They don’t have a strong presence in residential construction. But we still make it a point to solicit their bids.

When we do receive bids from union contractors, we try to go with the union bidders even if they are more expensive, as project costing permits. Our practice has been to pay up to an additional 15% more for union contractors. Remember, this 15% is above and beyond the prevailing wage, which is substantially higher than wages paid by conventional homebuilders. The prevailing wage is the going union rate for labor plus allowances for benefits.

If a union bid goes beyond the 15% premium, we ask the contractor to re-bid the job in an effort to get costs down. Some unions have been very helpful, using their influence to convince union companies to lower their bids. Ultimately, we understand it is not the labor movement that decides what the bid will be; it’s the contractor. What unions can’t control, we discovered, is the contractor’s mark up.

On some occasions, we have been able to bridge the gap. Other times we have not. Although remember again we have not had much success in getting union contractors to bid on our jobs, particularly in the Central Valley.

Some major service center projects are 100% union. In San Francisco, where there are many more union contractors, we have had success working with labor. An example is Vista del Monte, a 104-unit affordable rental community. We are currently using a union general contractor to handle 100% of the rehab work.

In the Central Valley region it was a different story with construction of the National Chavez Center at La Paz. There the work was performed by a combination of in-house work, volunteer labor, union and un-organized subcontractors. But it is important to note that union labor played a significant role in the building of the center. Union contractors handled a significant percentage of the work: all of the grading and land preparation (Operating Engineers); all the electrical, underground and building (IBEW); and all the landscaping (Laborers union).

Leaders of building trade unions in the San Francisco Bay Area and the Central Valley tell a different story than that related by Pawel. They describe how service center has reached out to organized labor in an attempt to have unions participate in its affordable housing projects. If Pawel had spoken with the leaders of unions in these areas, she would have obtained a different perspective.

*“...Service Center reversed itself and told the union its roofers would get the job on the Bakersfield apartment complex.”*

Miriam Pawel’s account is false. Service center solicited bids for the Bakersfield projects. A union roofing subcontractor submitted a bid for the multi-family portion of the development, the only one presently under construction. Service center told the contractor the bid was too high and asked the firm to lower it. A bid had not been awarded for the work. Service center worked with one of the building trade unions, which agreed to contact the unionized roofing subcontractor in an effort to bring down the bid to a more acceptable level for an affordable housing project. The service center awarded the bid to the union subcontractor even though it was substantially higher than a lower bid from another subcontractor that was also paying prevailing wages. So there was no reversal.

Last year, service center met with Guagliardo and other officials from the roofers union, which is based in Fresno, as well as the roofing contractor in an effort to bring its rates in line with the affordable housing project. As a result, service center ended up awarding the contract to the union bidder.

Pawel didn’t tell Paul Chavez or the service center about this charge she was going to make so they could have an opportunity to respond.

\* \* \*

“Paul Chavez said that only by paying lower, non-union wages can he hope to meet the Service Center’s ambitious goal of housing 100,000 people in the next decade. The organization provides housing and services for lower-income families, who work mostly in service, retail and construction jobs.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Miriam Pawel should produce the record of Paul Chavez making this statement since he cannot remember uttering such sentiments and would never knowingly do so. Nothing close to it appears in the transcript prepared from dictation of his Sept. 27, 2005 interview or in the sets of his emailed responses to her written questions.

\* \* \*

“Paul Chavez said he will probably follow a recommendation from a strategic retreat: Change the name of the National Farm Workers Service center’s housing arm to something without ‘Farm Workers’ because it confuses people. ‘It’s the same problem as Kentucky Fried Chicken,’ he said, referring to the fast-food chain’s concern that it’s name would be incongruous when it launched a line of nonfried food. ‘So they call it KFC.’” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

Miriam Pawel took this quote out of context. She asked how the service center is received when it goes to do its housing work in non-farm worker areas. After learning Albuquerque, New Mexico needed help with affordable housing, service center staff traveled there to introduce service center and explain its work. The name National Farm Workers Service Center created some confusion. People asked whether farm workers would be living in the housing the service center would produce.

Pawel attempted to use Chavez’s quotes to make it appear as if service center is trying to run away from what it is and has been for many years in farm worker communities, where the majority of its affordable housing units have been built (1,900 out of 3,500). In fact, Chavez’s remarks were in the context of service center’s efforts to do affordable housing in non-farm worker areas.

\* \* \*

“Seasonal work and low incomes make it difficult to finance farm worker housing projects without major subsidies, said Manuel Bernal, a housing expert Chavez brought in a few years ago to run the department.

“You don’t have any continuous income to finance the mortgage. That’s why we’ve basically stayed out of it,’ he said. ‘Second, even if you had the income, there’s been a concern—more a concern, a lesson learned—that farm workers may not necessarily want to spend the money to live under our housing model

*because they'd rather send the money back home.* ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)

This is a blatant example of misrepresentation and taking quotes out of context. Manuel Bernal was not speaking about tenants or potential tenants in farm worker communities such as those in the Central Valley where the service center builds affordable housing complexes. He was describing the plight of migrant table grape workers who live in parking lots or under trees in places such as the Coachella Valley. These workers will reside permanently across the border in places such as Mexicali, Baja California. During the brief six-week spring harvest season in May and June they travel north Monday morning to work during the week in Coachella and then return home to Mexico Friday night. Because the season is so brief and workers return home on a weekly basis, it made creating housing for this group of migrant workers in Coachella very difficult.

Building permanent housing developments in some of these areas where a highly migrant and seasonal work force labors for short periods during certain times of the year makes it very hard for the projects to make mortgage payments on a year-round basis. There would not be a continuous source of income from rents to finance the mortgages. Bernal explained to Pawel that this is why the service center has stayed out of some agricultural regions such as the Coachella Valley. The "it" Bernal said the service center is staying out of is not farm worker communities in general. What the service center tries to avoid are developing permanent housing projects for migrant workers laboring for short periods during brief harvest seasons who maintain permanent residences elsewhere.

Because of crop rotation and diversity of crops, the Central Valley farm labor work force is made up of many more resident workers in places such as Kern and Tulare counties. They can labor in table grapes, citrus and roses during different times of the year. The Central Valley is also home to the largest concentration of farm workers in the nation. Such factors and lack of resources are why the service center has focused much of its affordable housing resources in these areas.

\* \* \*

*"In 1998, political consultant Richard Ross showed UFW leaders a statewide poll of Latino voters. The UFW ranked at the top as a name to trust.*

*"Richie just said, "This is gold," UFW Political Director Giev Kashkooli recalled.*

*"From then on, the union has been selling its brand.*

*"In 1999, the union began running political campaigns as a business. Since 2000, the union and several related non-profits have received close to \$1 million from*

state campaign committees alone, a combination of civic donations and payments for election help.

“Most unions contribute money to candidates; the UFW collects it instead...”

“The UFW frequently works on campaigns in areas where it does not have members but ranks high in the polls, such as Long Beach, where candidates believe the affiliation will help their cause...” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

The UFW has been mobilizing large numbers of farm workers and supporters and organizing grass-roots door-to-door political campaigns since 1968, when Cesar Chavez shut down union operations for three months to work full time for Sen. Robert F. Kennedy in the California Democratic presidential primary. That activism has never stopped. It is not a “business” the UFW began in 1999. At least since the early 1970s, candidates have “paid” the union to cover the expenses of mobilizing hundreds of farm workers and other activists.

The UFW participates in politics by mobilizing farm workers and supporters to hit the streets to reach voters. Over the decades, the union has developed a reputation for its grass roots organizing abilities.

\* \* \*

“The UFW has invoked the law only once, although there are dozens of companies to which it could apply. Union officials said they are waiting to see if it withstands a court challenge.” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)

The UFW invoked the 2002 binding mediation law for a second time in 2005, at Salinas-based D’Arrigo Brothers, one of California’s largest vegetable companies. Excelsior Packing Co., the largest tree fruit grower in Kings County, finally negotiated a UFW contract nine years after workers voted for the union in order to avoid invocation of the binding mediation law. Miriam Pawel knew parties on both sides of the battle over the law are waiting to see how the appellate courts rule on legal challenges before invoking it further. She also didn’t ask how many times the UFW has used the law.

Pawel is mistaken when she claims “there are dozens of companies to which [the binding mediation law] could apply.” In order for a company to be eligible for coverage under the law, the union must be certified as the workers’ bargaining representative after having won a secret-ballot state-conducted election. The employer also has to have been found by the ALRB of having committed violations of the law. “Dozens” of such companies do not exist.

Pawel never asked the UFW about this claim.

\* \* \*

"That effort [the UFW's legacy and history] helps the entire labor movement, said John Wilhelm, president of the hospitality division of the labor union Unite Here.

"I think the moral authority of the farm workers has never been questioned and I think that's of tremendous value at a time when the labor movement is not well regarded by lots of people in society." ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)

John Wilhelm said much more, affirming the UFW's "remarkable success in the toughest organizing job in America," in a one-hour face-to-face interview he requested with Pawel and a detailed four-page letter signed by Wilhelm and Unite Here General President Bruce Raynor critiquing the UFW's organizing successes they sent to Pawel with copies to her editors before publication of the L.A. Times series. (See attached copy.)

\* \* \*

"The night before the Sept. 1 vote, the union president was in Sacramento, hosting a fundraiser for the UFW Foundation. Formerly named the Farm Workers Health Group when it helped fund health services, the non-profit organization now has no clear mission. Rodriguez, president of the board, said it might focus on immigration.

"The invitations for the September fundraiser said contributions would go to a nonpartisan fund to help register farm workers to vote, but Rodriguez described the purpose differently. He thanked the donors for their support and talked about using the money to fight for immigration reform" ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)

There is no conflict between immigration reform and civic participation such as voter registration. In fact, they are directly related. You win immigration reform by helping farm workers get involved in civic and political affairs. The purpose of the historic AgJobs bill jointly negotiated by the UFW and the nation's agricultural industry is allowing farm workers who are now undocumented and live in the shadows of fear while contributing so much to a critical sector of America's economy to earn the right to stay in this country and participate fully in the society they feed.

\* \* \*

"The next day in Sacramento, a gay-marriage bill passed the Senate. Sponsors attributed key votes to public support from the UFW and the union's aggressive lobbying of Latino lawmakers. While the legislators were approving gay marriage, farm workers at the country's largest table grape company were rejecting the UFW." ("Farmworkers Reap Little as Union Strays From Its Roots," Jan. 8, 2006)

Although the UFW is proud of its stand for AB 19, the marriage equality bill by Assemblyman Mark Leno (D-San Francisco), the union did not lobby anyone. UFW Southern California Political Director Christine Chavez last year asked to take a leave of absence from the union to work full time with Equality California, one of the bill's principal sponsors, organizing grass roots support for the legislation in the districts of key Latino lawmakers. UFW co-founder Dolores Huerta, who left the union several years ago, spent her time lobbying Latino legislators during the debate leading up to a crucial floor vote in the state Assembly.

The juxtaposition of these two issues implies a diversion of efforts and resources from the Giumarra organizing campaign to lobbying for AB19, for which Miriam Pawel offers no evidence.

Pawel's story is wrong because she never asked the UFW about these events surrounding lobbying for AB 19.

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*"Copy in graphic: UFW budget. The UFW is an unusual union for its reliance on donations, which have grown in importance as the number of labor contracts has declined. Dues, 2% of workers' wages, once made up as much as two-thirds of the total revenue.*

*"[Pie charts:] Total revenues*

*"1971: \$1.8 million.*

*"Initial wave of contracts that followed grape boycott.*

*"Dues: 60%*

*"Donations: 24%*

*"Other: 16%*

*"1978: \$2.43 million*

*"UFW grew after the 1975 Agricultural Labor Relations Act, which allowed farm workers union elections.*

*"Dues: 61%*

*"Donations: 20%*

*"Other: 19%*

*"1982: \$4.53 million*

*"Peak in dues reflects wage increases after a 1979 vegetable strike.*

*"Dues: 66%*

*"Donations: 6%*

*"Other: 28%*

*"2004: \$6.64 million*

*“Dues have declined, reflecting about 20 or 30 contracts. UFW officials won’t say how many.*

*“Dues: 31%*

*“Donations: 35%*

*“Other: 34%” (“Farmworkers Reap Little as Union Strays From Its Roots,” Jan. 8, 2006)*

Miriam Pawel cherry picked her facts and figures to offer a distorted and incomplete account of history. She left out the years immediately following 1973, when growers turned over all but one UFW table grape contract to a competing labor organization. Then UFW membership under contract and union dues income evaporated, replaced by donations from supporters.

Most important, even though Pawel first approached the UFW in early 2005 proposing a story on the 30<sup>th</sup> anniversary of the Agricultural Labor Relations Act of 1975, neither in this graphic nor in the text of her stories did she utter a word or provide an illustration about the loss of union contracts and dues revenues as a result of what most neutral observers will admit was the shut down in enforcement of the farm labor law between 1983 and 1999 under GOP Govs. Deukmejian and Wilson. During that period, most growers with UFW pacts refused to renegotiate their agreements or they changed corporate identities to evade their legal duty to bargain. Tens of thousands of farm workers lost their hard-won union contracts. Many were fired and blacklisted. One 19-year old farm worker striker was murdered in 1983. The result was a steep decline in dues income. If it had not been for the generosity of supporters, the UFW would not have survived. Such developments would seem to merit mention by Pawel. Neither this story nor her historical analysis of Cesar Chavez in the Jan. 10 article cited them.

Pawel also did not offer a pie chart illustrating the significant increase in dues income for the UFW, from \$734,696 in 1994, when the current organizing campaign began, to more than \$2 million in 2004. That would have directly contradicted her chief premise that the UFW is “failing to organize” farm workers.

\* \* \*

### *Second day story*

*“Down the hall, Paul’s brother-in-law, Arturo Rodriguez, runs the United Farm Workers union and several related charities.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

Although he sits on the boards of other non-profit Farm Worker Movement organizations, the only group Arturo Rodriguez “runs” is the United Farm Workers. He has no management or line functions in any other organization. Miriam Pawel didn’t ask him about the “several related charities...[he] runs.”

Sitting on or even chairing the boards of directors of Farm Worker Movement organizations is a far cry from running them. The role of a chairperson is to preside over board meetings. The board of directors sets policy. Separate management staff, beginning with executive directors or presidents, handles day-to-day operations.

\* \* \*

*“From their remote perch amid rolling hills and gnarled oaks 30 miles east of Bakersfield, Cesar Chavez’s heirs run a thriving family business that has prospered even as the union has floundered. They have capitalized on the Chavez name and developed a complex financial web that helps enrich the organizations they oversee.”* (“*Linked Charities Bank on the Chavez Name,*” Jan. 9, 2006)

As has already been noted, these are not family businesses, but separate, independent non-profit organizations with their own distinct missions, staff and budgets. The UFW has not “floundered,” but made steady progress despite stiff industry opposition and much more formidable challenges organizing contemporary California farm workers.

\* \* \*

*“Between them, Rodriguez and Paul Chavez had more than a dozen tax-exempt groups that bring in \$20 million to \$30 million a year. Their primary business is to build and manage affordable housing projects, run Spanish-language radio stations and invest in projects that burnish the image of Cesar Chavez.”* (“*Linked Charities Bank on the Chavez Name,*” Jan. 9, 2006)

Once again, the only organization within the movement whose mission is promoting Cesar Chavez’s legacy and empowering new generations to carry on his work is the Cesar E. Chavez Foundation. Out of the “\$20 million to \$30 million a year” Miriam Pawel cited, during fiscal year July 2004 through June 2005, the Chavez foundation’s overall operating expenses were about \$1.1 million, a very small percentage of total movement expenditures.

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*“...the Farm Worker Movement operates more like a family business, making financial decisions in order to expand the enterprise and enhance the founder’s reputation.”* (“*Linked Charities Bank on the Chavez Name,*” Jan. 9, 2006)

As noted above, these non-profit movement organizations are not family businesses. Expanding enterprises is not their mission. That is not why they were created. That is not what they do. Their missions and activities involve building more affordable housing for farm workers and other poor Latino working families, providing more educational radio programming for farm workers and other recent immigrants, sponsoring more community organizing in farm worker communities and helping more farm workers improve their job skills and learn vocational

English. Finally, describing the mission of the Cesar E. Chavez Foundation as “enhanc[ing] the founder’s reputation” is inaccurate. The foundation helps teach many farm workers and other people about values such as nonviolent social change and learning through service to others.

\* \* \*

*“The entities enrich one another, buying service from each other that are not necessarily the best available deal. The various organizations reported paying more than \$1 million to the UFW-sponsored health plan in 2004, for example—insuring hundreds of employees in a fund that was designed to help farm workers but now has only a few thousand participants because the UFW membership has dwindled.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

When reporters issue broad accusations, such as “buying service from each other that are not necessarily the best available deal” and use examples such as the farm workers medical plan, aren’t they obligated to back it up with some kind of proof? Where does it appear in Miriam Pawel’s L.A. Times stories? She also did not raise this charge with the UFW or any other Farm Worker Movement organization so they would have the opportunity to respond.

It is inaccurate to contend the Robert F. Kennedy Farm Workers Medical Plan is “UFW-sponsored.” It is a joint union-management health and welfare fund heavily regulated by the federal government under the Employee Retirement Income Security Act (ERISA). The medical plan is governed by a board of trustees consisting of an equal number of union and employer representatives.

The Kennedy medical plan reports that the average premium to cover a full-time Farm Worker Movement employee and his or her dependent family members with medical, dental and vision benefits under the health plan is \$349.65 per month. Checking market rates through a medical insurance consultant revealed average premiums for each covered participant is between \$375 and \$400 per month. With a market rate of \$375 per month, the Farm Worker Movement is realizing a 7.2 percent savings, or \$93,018 each month, by using the Kennedy plan. At a market rate of \$400 per month, the Farm Worker Movement is saving 14.3 percent, or \$194,768 every month, by using the Kennedy plan.

So this practice is not only the right thing to do morally—covering Farm Worker Movement staff under the same health insurance farm workers receive—but it’s also a good deal. Unfortunately, Pawel didn’t ask about the practice even though she conducted interviews with top Farm Worker Movement leaders and with Douglas Blaylock, administrator of the Robert F. Kennedy Farm Workers Medical Plan.

During a normal year, 5,000 families are covered by this joint union-management medical plan, including Farm Worker Movement staff. In the last 15

years, the Kennedy medical plan has paid out nearly \$104 million in health benefits for workers covered by UFW contracts in the form of medical claims, prescription drugs, dental and vision coverage. Of course, the overwhelming majority of those payments have gone for farm workers. Since the health plan was founded more than 139,000 farm workers and their families have received benefits.

Thousands of other farm workers at companies with UFW contracts have grower-provided health-care benefits through the employers' own plans. Many growers with UFW contracts obtain health insurance for workers through their membership in the Western Growers Association. Farm workers have the option of other benefit plans. The terms of those benefits are negotiated in their union contracts.

In her Jan. 10 story, Miriam Pawel criticized Cesar Chavez for his insistence during the 1970s and '80s on an organization with a largely voluntary full-time staff. In this Jan. 9 story, Pawel criticized the current Farm Worker Movement for covering its recently christened paid staff with basic health coverage, the same coverage union members in the fields enjoy. When the movement was transitioning to a paid staff several years ago it made the decision that its employees would be covered with the same health insurance farm workers receive.

\* \* \*

*“The UFW and its related charities do business with friends. Records show they have sold real estate at below-market rates without seeking independent appraisals or opening up the bidding process...”*

*“The Service Center sold the UFW a Craftsman-style house in West Los Angeles that once housed dozens of boycott volunteers during the height of the union’s organizing activity. The UFW allowed friends to live there rent free, then sold it in 2004 to a daughter of UFW co-founder Dolores Huerta for \$200,000—about half the market price for comparable houses at the time, according to county records.”*

*“Huerta said that when she heard the UFW was going to sell the house, she asked to buy it because of its historic significance to the movement and her family. Because she had not taken a salary or received a pension during her years working for the UFW, the union gave her a break on the price, she and UFW President Arturo Rodriguez said.”*

The residence was sold for a fair price based upon the appraised value when compared to similar homes in the area, especially given the run-down condition of the house at the time.

\* \* \*

*“The charities prop up the labor union, which struggles for members. The affiliated organizations buy services such as accounting and human resources—yielding more than \$500,000 in income for the UFW in 2004—although several state reviews have criticized financial management provided by the union.”*  
(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

Once again, when a reporter makes broad accusations such as “several state reviews have criticized financial management provided by the union,” doesn’t she have a duty to provide back up documentation proving her claim? Where does it appear in Miriam Pawel’s stories?

In fact, the Farm Worker Movement is not aware of a state or other government audit or review that has criticized financial management provided by the UFW. If Pawel has seen such criticism, why was it not specified in her story or offered for comment to the UFW or any movement entity?

Rather than each Farm Worker Movement organization working out of the movement’s Keene, Calif. headquarters paying for its own mailroom, human resources and financial management operations and staff (which would require separate chief financial officers, accountants, soft ware and equipment), these services are centralized and offered by the UFW at cost to all the groups. (The National Farm Workers Service Center has its own financial management operation because of the high volume and complexity of its affordable real estate and educational-radio activities.)

The transcript of Miriam Pawel’s Oct. 24, 2005 interview with Arturo Rodriguez contained the following question and answer:

Miriam Pawel: The farm workers service center. You guys [the UFW] provide, according to financial statements, you provide services to them and them to you. You know those services?

Arturo Rodriguez: Our strategy overall is we don’t want to duplicate services if we don’t have to. Don’t want to reinvent the wheel when it’s not necessary to do that. I think what a lot of businesses or other unions do is where we have services like HR that everyone will utilize or it, a department that everyone needs access to or a mail room at La Paz to distribute and sort and process the mail or sometimes financial—the first three are the ones that were there for whatever reason they were traditionally in the UFW and we bill for whatever people use of those services to other organizations that are part of the overall farm workers movement.

How much each organization draws on the centralized services depends on its size and the volume of its work. The service center is large, with a high volume of activities. So it has its own financial management operation. The

health and pension plans are similar, so they have their own in-house financial services as well. Smaller organizations such as La Union del Pueblo Entero, the Farm Worker Institute for Education and Leadership Development and the Cesar E. Chavez Foundation use the union's centralized services at cost.

The \$500,000 in reimbursement to the union, the figure Pawel cites, goes to pay the costs of the centralized services the UFW provides these groups, which also amount to approximately \$500,000. This is a sound model repeated many times over by businesses and other organizations.

In his Nov. 12, 2005 written responses and comments to Pawel, Rodriguez noted: "You asked about the services the union provides for other [Farm Worker Movement] entities. We discussed financial services, but didn't say much about Human Resources. Twenty percent of HR's budget is from an equal assessment of each of the entities using its services. The other 80 percent is allocated based on the number of employees each entity has on staff."

HR is a service all movement organizations can use because a three-person HR operation can serve all the groups rather than each one having to create and run its own separate HR service.

None of these facts and perspective from the UFW ended up in Pawel's story.

\* \* \*

*"The Farm Worker Movement's financial strategy flows from a mission statement adopted a few years ago: Change the world by achieving economic and social justice and help 10 million Latinos by the year 2015.*

*"Before the vision statement, I was going crazy. I was thinking, 'I'm not doing my part,'" said Paul Chavez, who worried because his charitable efforts were not aimed primarily at farm workers. 'Now I can go to bed at night knowing that while I feel for the union and I want them to grow and all that, I understand that my contribution has to be made on the service side.'* ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

The transcript of Miriam Pawel's Sept. 27, 2005 interview with Paul Chavez reveals the following question and answer:

Miriam Pawel: **Are you planning to get more or less involved in [the] union?**

Paul Chavez: No. Artie will come to me and ask for help in facilitating planning meetings. I have developed a skill in getting people to look at issues and get them to talk. But **the work of the union is so demanding, you can't come in on a part time basis and make meaningful**

**contributions.** I'm really committed to work of the service center. I believe housing people and educating them with radio and educational program makes a significant contribution to people's lives. I'm satisfied with that. **In the old days before we had a better understanding of the movement, I was going crazy. I was worried about not doing my part.** I would go to bed saying to myself, "I didn't do enough." **Now I go to bed at night, and while I feel for the union and want [it] to grow, I understand my contribution has to be made on the service center side.**

Miriam Pawel misrepresented Paul Chavez's quote in her story. The quote from the transcript also does not appear consistent with the quote she used in her story. He was not "worried because his charitable efforts were not aimed primarily at farm workers," as Pawel claimed. He was "worried about not doing my part" for the UFW, as the transcript proves. Pawel falsely used Paul Chavez's words to incorrectly bolster her premise that non-profit organizations within the Farm Worker Movement such as the National Farm Workers Service Center have abandoned or strayed from helping farm workers.

Moreover, in this Jan. 9 article, Pawel correctly attributed the goal of helping 10 million Latinos by the year 2015 to the larger Farm Worker Movement, not the UFW. In her Jan. 8 story, Pawel falsely described that broader goal as representing "a dramatic shift [and a change in] focus" by the UFW.

\* \* \*

*"The bulk of the movement's income is on the side of the ledger that Chavez oversees. He runs the National Farm Workers Service Center, which collects rents on the apartments it owns and operates, along with fees for housing development and management, and revenue from radio ads and sponsorships."*  
(*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

Miriam Pawel made the National Farm Workers Service Center appear as an ordinary for-profit landlord, property owner and media conglomerate. There was nothing in any of her stories about the real mission and work of the service center: building high-quality, amenity-intensive affordable housing with comprehensive social services for tenants in rental complexes and running the popular eight-station, three-state Radio Campesina network of Spanish-language radio stations mixing extensive interactive educational programming for farm workers and other Latino immigrants with popular regional Mexican music.

Following two years of research and program development, the service center's major new initiative is a recently launched program to improve the dismal educational performance of farm worker children and Latino kids in urban areas. The farm worker component is targeting the west San Joaquin Valley community of Corcoran in Kings County. The student body there is overwhelmingly farm worker. Plans are also being made to launch the program in Delano, the heart of the state's table grape growing region.

In addition to extensive descriptions of the mission and work of the service center Pawel obtained during two lengthy interviews with Paul Chavez, in April and September 2005, the service center's work in helping farm workers and other poor Latino working families was detailed in his Dec. 29, 2005 letter to Pawel that was copied to her editors. (The full text of the letter follows.)

\* \* \*

"In 2004, the Service Center reported spending \$1.1 million on management costs and \$9.87 million on programs, primarily the housing projects and radio stations." ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

Even according to the figures Pawel cited, the service center in 2004 dedicated roughly 90 percent of its expenditures on programs and services such as affordable housing and educational radio for farm workers and other Latino working families. Only 10 percent went to management and general expenses. That is a very high ratio of program and service expenditures for any non-profit organization. Also, service center has no department or staff for fundraising.

\* \* \*

"[Paul] Chavez also heads the Cesar E. Chavez Development Fund, which sits on almost \$10 million and uses the interest to help support the Service Center and other related charities—even as the UFW issues desperate pleas for the donations that make up one-third of the union's \$7-million budget." ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

The Cesar E. Chavez Development Fund is a private, non-operating foundation that is precluded by law from making charitable contributions to non-501(c)(3) organizations. This fund can only give money to other non-profit, tax-exempt groups. The UFW is a labor organization and not a 501(c)(3) organization. If Miriam Pawel was not aware of these facts, and she almost certainly was, she could easily have discovered by asking, which she didn't.

\* \* \*

"[The business of organizing farm workers has become almost an afterthought, like the junked cars and abandoned school bus that once transported boycott volunteers and now litter a back field on the UFW's 180-acre campus.]" ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

Miriam Pawel's claim that organizing farm workers is "almost an afterthought" is belied by voluminous coverage from 22 Los Angeles Times reporters who chronicled organizing and contract campaign activities and legislative victories by the UFW from 1994 to 2005. See citations for just some of those stories above.

Even Pawel's gratuitous remarks such as this one are inaccurate. The bus to which she refers was never owned by the UFW. The vehicle broke down as its owner, a peace activist, was passing through the Keene headquarters. He asked to park it there while he made arrangements to have it fixed and never returned for it. This is just another example of false and slanted reporting.

Attached is a copy of the pink slip for the inoperable bus that Stonybook Corp. needed to dispose of the abandoned vehicle.

La Paz, the 180-acre Keene headquarters of the Farm Worker Movement, is not owned by the UFW. It is the property of Stonybrook Corp., a subsidiary of the National Farm Workers Service Center. The UFW and other non-profit Farm Worker Movement organizations with offices at La Paz pay market-rate rents to Stonybrook. Movement staff that live at La Paz also pay market-rate rents for their housing. Miriam Pawel knew which organization owned the Keene property because she asked Paul Chavez questions concerning rent, according to the transcript of her Sept. 27, 2005 interview with him.

\* \* \*

*“Invoking his [Cesar Chavez’s] name and legacy has helped attract public money (more than \$10 million in state grants in recent years), private support (more than \$3 million from one philanthropic organization, the California Endowment, in the last few years) and individual donations (\$2 million a year to the union alone). Last fall, the Kellogg Co. donated \$25,000 to the Cesar E. Chavez Foundation and featured his likeness on a cornflakes box for Hispanic heritage month.”*  
*(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

Miriam Pawel mixed together these separate and distinct organizations, including the UFW, La Union del Pueblo Entero (LUPE), the Farm Worker Institute for Education and Leadership Development and the Cesar E. Chavez Foundation. Each of the grants to which she refers was awarded to a separate and legal entity with distinct and measurable outcomes and expectations. For example, upon completion of the two grants awarded the Chavez foundation for construction of the National Chavez Center, subsequent state audits gave the foundation a clean bill of health and congratulated the foundation for successful completion of the grants. In another case, LUPE reports on a quarterly and annual basis to the California First Five Commission for use of tobacco tax monies under Proposition 10. No deficiencies have been alleged concerning LUPE's expenditures of these funds; in fact, LUPE has been praised for the progress it has made, including a letter to the editor of the Los Angeles Times responding to Pawel's accusations from the First Five executive director published by the newspaper.

\* \* \*

*“Public records paint only broad outlines of how the UFW and its related charities take in and spend their money. The leaders are able to avoid scrutiny by not indicating the affiliations and transactions between related groups on federal tax returns and inaccurately reporting that they receive no government funding.”*  
*(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

All Farm Worker Movement organization strictly comply with all state and federal reporting requirements.

Miriam Pawel disregarded the reporting requirements under IRS Form 990, the federal tax return, and the RRF1, the state charitable trust reporting document. She wrote about “not indicating the affiliations and transactions between related groups on federal tax returns.” Yet, when you examine IRS Form 990, its disclosure sections concerning transfers and transactions between different entities are very specific about the type of entity where a reporting requirement exists. For example, service center may have transactions with other non-profits with which it is associated. The only time there is a requirement to report is if the organizations is a non-charitable organization—or an organization that is not a 501(c)(3). If service center is doing business with other 501(c)(3) groups, there are no reporting requirements.

The reporting requirement only falls on the charitable organization providing services to and receiving payments from the non-charitable organization. Reporting requirements have arisen within the Farm Worker Movement only, for example, when Stonybrook Corp. or another non-profit charitable organization is providing services to the UFW, which as a labor union is not a 501(c)(3) charitable organization.

Pawel also claimed Farm Worker Movement entities are “inaccurately reporting that they receive no government funding.” In the tax and accounting field, government funding means donations or contributions from the government for operational use.

Most money non-profit Farm Worker Movement organizations receive is not in the form of general government grants. It is in the form of fee for service revenue. Like any fee for service contract, the only way to receive the money is to fulfill the service. It is not a donation or a contribution. It must be earned. So when it comes to the RRF1 state form, Farm Worker Movement organizations answer “no” as to whether they receive government funding because this question only applies to government donations and contributions, which they don’t receive. Farm Worker Movement entities also consistently apply this principle when filling out their federal 990 forms.

\* \* \*

“A rough picture drawn from tax returns shows that about half the organizations’ spending goes to pay employees—more than \$12 million in 2004, the last year for which records are available...”

“The other principal charities, headed by Rodriguez, have annual budgets of less than \$2 million each and also spend about half on salary, with the remainder going to administrative expenses and consultants..” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

First, don’t most organizations such as unions that serve people or provide services through their staff spend appreciable portions of their budgets paying employees?

The percentage of expenditures by Farm Worker Movement organizations going to staff compensation is in keeping with industry standards for other non-profit groups. In fact, it is at the low end.

Second, in her Jan. 10 “historical” review Miriam Pawel’s story takes Cesar Chavez to task for insisting upon a mostly full-time volunteer staff during the 1970s and ‘80s. In this Jan. 9 piece, she implies something is wrong with the union and other Farm Worker Movement non-profits paying salaries to their employees, a recent development.

Third, as UFW President Arturo Rodriguez informed Pawel in his Dec. 29, 2005 letter, copied to her editors, the union presently dedicates 30 percent of its general fund resources to organizing (much more than the average among unions) and in some years it has been more than 50 percent. “Remember, this is despite the fact the UFW transitioned since the late 1990s from an organization operated mostly by volunteers to a union with a paid staff, necessitating a dramatic increase in revenue for salaries and benefits.”

Finally, even though he serves on the boards of other non-profit Farm Worker Movement groups, the only one Arturo Rodriguez “heads” is the UFW. He has no management or line functions in any other organization.

\* \* \*

“Started by Cesar Chavez to communicate with farm workers, the network known as Radio Campesina has evolved into a commercial success by adopting a format of mostly popular music and catering to a younger audience and advertisers eager to reach the growing Latino market .” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

When Cesar Chavez was alive, one Radio Campesina station was established in a farm worker area, the Central Valley. The other Radio Campesina station was in set up in Phoenix. Under the leadership of Chavez’s

heirs, Paul and Anthony Chavez, every station the network has acquired since their father's passing in 1993 has been in rural farm worker areas: Bakersfield, Fresno, Salinas, Washington state and Yuma and Parker Ariz. Since Chavez's death, Radio Campesina has worked to create a farm worker radio network.

Miriam Pawel only wrote about the network's commercial success. She wrote nothing about the extensive educational programming that 10 years ago changed focus to target farm workers and recent immigrants between the ages of 25 and 49 in markets featuring the largest concentrations of farm workers in the United States. (See facts presented earlier on Radio Campesina programming.)

\* \* \*

*"Though top officials in the various groups earn more than \$100,000, the compensation is modest compared with that of comparable organizations. The movement's payrolls include about a dozen Chavez relatives.."* ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

Miriam Pawel buries this one reference to "modest" compensation deep in her second-day article while using the word "enrich" or variations of it nearly a half dozen times in her stories.

On the front page of the first-day, Jan. 8, article, she described "a network of a dozen tax-exempt organizations that do business with each other, *enrich friends and family*, and focus on projects far from the fields." The subhead of this Jan. 9 story read, "The union-related philanthropies *enrich one another, operating like a family business*." Pawel's fourth graph argued, "*Cesar Chavez's heirs run a thriving family business that has prospered even as the labor union has floundered. They have capitalized on the Chavez name and developed a complex financial web that helps enrich the organization they oversee*." In the fifth graph, Pawel wrote, "Between them, Rodriguez and Paul Chavez *head more than a dozen tax-exempt groups that bring in \$20 million to \$30 million a year*. Their primary business is to build and manage affordable housing projects, run Spanish-language radio stations and invest in projects that burnish the image of Cesar Chavez." Later in this story she wrote, "The following three cases, all involving state funds, illustrate in detail how the leaders of the Farm Worker Movement leverage support from one another, exploit Cesar Chavez's name and legacy, and *spend money enriching their own enterprise*."

Pawel's clever use of language and juxtaposition of accusation and fact may help explain the relatively small number of messages Chavez, Rodriguez and other family members received expressing anger and shock and warning them, as one person wrote, to "stop driving luxury cars and living in fancy homes." Movement staff welcome questions and have succeeded in turning around such skeptics one on one when given the opportunity. How many more people came to the same conclusions based on Pawel's stories, but didn't communicate with the Farm Worker Movement?

In reality, of more than 400 dedicated men and women who are full-time employees within the movement a dozen are Chavez family members; just four hold policy-making positions. Many spent decades working for next to nothing as full-time volunteers before receiving modest salaries for their hard work. The only income they derive personally is from their jobs. All of them live very modestly. They donate countless hours serving on boards of directors of movement organizations without any compensation. Arturo Rodriguez is the lowest paid national union president in America. His annual salary, \$77,000, is on a par with many mid-level organizers who work with major unions.

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*“...the family still plays a central role” in running the movement.”* (*“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006*)

Miriam Pawel exaggerated the family’s role in policy making within the Farm Worker Movement. Take the two largest and most visible movement entities, the UFW and service center, as examples: Only one Chavez family member, Arturo Rodriguez, who is elected UFW president every four years by the union’s membership, sits on the union’s elected National Executive Board. Three Chavez family members serve on the 11-member service center board of directors.

Both the health plan and pension fund, holding large assets and playing a pivotal role servicing farm workers, are governed by a board of trustees consisting of three union and three employer representatives. Of the three union representatives, one of them is UFW President Rodriguez, who happens to be a Chavez family member. The trustees don’t run the daily affairs of the funds; that job falls to a professional administrator and his staff, none of whom are related to Cesar Chavez.

\* \* \*

*“State officials waived competitive bidding requirements to give La Union del Pueblo Entero [LUPE] a \$2.2-million contract to educate farm worker parents, saying the group’s extensive community network in eight counties made it the only organization equipped to do the job.”* (*“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006*)

Miriam Pawel misled readers and misrepresented events because of what she left out of her story.

Out of as much as \$650 million set aside in tobacco tax money for First Five Commission early childhood development programs under Proposition 10, \$12 million was earmarked over a three year period specifically to target farm worker children. In 2002, current LUPE Executive Director Nora Benavites

addressed a public meeting of the First Five Commission and asked it to consider having the Farm Worker Movement play a role in implementing a project to demonstrate that social development for children ages zero through five could be accomplished through LUPE. The commission acknowledged it was unfamiliar with farm worker and immigrant children in rural areas. Few other organizations in the state had the expertise and capability to reach out to them. The commission was interested in using educational Spanish-language radio and affordable housing communities operated by the Farm Worker Movement to achieve its goals.

After Benavides' testimony, then commission Executive Director Jane Henderson was instructed by the commission to work with LUPE and come up with a demonstration project. Out of the \$12 million earmarked for farm worker children, from the beginning LUPE made it clear it didn't want the full amount. LUPE partnered with the Migrant Education unit in the state Department of Education, which uses state and federal dollars to serve migrant children. Migrant Education received \$8.2 million of the \$12 million; LUPE got \$2.2 million. (\$1.6 million went for an independent outside educational consulting firm to thoroughly evaluate the demonstration project and the performance of LUPE and Migrant Education under terms of the grant approved by the First Five Commission.)

The demonstration project did not go through the competitive bidding process because the money had been dormant, unused for three years. The commission knew Migrant Education and LUPE would partner in the effort and felt a sense of urgency, believing it was a disservice to sit on the money that was desperately needed for programs addressing the needs of immigrant farm worker kids. The commission wanted to get the project up as soon as possible. Those sentiments were clearly stated during public hearings in 2002 and 2003. First Five's Rob Reiner was among those who felt for the first time in its history the commission had a unique opportunity to implement a demonstration project through a novel partnership and knew the commission would carefully review results of the endeavor, seeing what works and what doesn't and tweaking the program as it moved along.

None of this information, much of which Pawel had, ended up in her article.

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*"In fact, LUPE did not even have an office in any of the counties."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

At the time LUPE had a physical office in Los Angeles. But it was already organizing in farm worker and immigrant communities in the Salinas and Central valleys. It also had built up an impressive record of success for its widespread community organizing activities in South Texas' Rio Grande Valley, all of which is

included in the transcript prepared from dictation of the lengthy in-person interview Pawel conducted with LUPE's Nora Benavides on Oct. 10, 2005.

\* \* \*

*"Then the Texas-based group demanded the first year's state money upfront to start the California program, which provides information and referrals to farm worker parents with preschool children."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

LUPE has always been incorporated and based in California, at Keene. Last year, the headquarters was moved to Sacramento.

When initiating community organizing, there are immediate up-front expenses such as paying organizers, mileage to conduct outreach activities and purchasing food for events attended by parents and children. Despite Miriam Pawel's claim that LUPE "demanded the first year's state money upfront to start the California program," First Five, Migrant Education and LUPE all agreed to the initial up-front payments to get the project off the ground. Since then it has been a "reimbursement" grant, where LUPE is reimbursed for the carefully documented expenses it advances.

Adriana Simmons, Migrant Education's executive director, sent an email communication to Migrant Education and LUPE on May 24, 2004, notifying them that "the MEES [Migrant Education]/First 5 funding distribution for FY 2004-2005 will be as follows: First Advance of 25% will be on July 1, 2004; Second Advance of 25% will be on October 1, 2004; Third advance of 25% will be on January 1, 2005; final reconciliation and payment will be on June 30, 2005..."

In a letter to the editor published by the Los Angeles Times on Jan. 9, 2006, California First Five Commission Executive Director Kris Perry wrote, "We funded a portion of LUPE's request up front to help with the costly start-up process. These costs were promptly reported, and the promised results were delivered far ahead of schedule. First Five's partnership with LUPE has proved to be both a good investment and a benefit for those who need it most."

Pawel never gave LUPE an opportunity to refute this accusation or it would have convincingly done so.

\* \* \*

*"After the first nine months, the charity stopped submitting vouchers to back up its expenses and did not bother explaining how it spent the state money for almost a year (until the Times requested the documents)."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

This claim is patently false.

The First Five Commission, a state agency, requires both quarterly financial statements and annual progress reports. LUPE's quarterly financial statements with accompanying documentation have always been sent out in timely manner. The financial reports have demonstrated LUPE has done its work as agreed upon based upon what it was spending. The vouchers to which Miriam Pawel refers are the supporting documentation that accompanied the quarterly statements. The quarterly reports could not have submitted without the vouchers.

In August 2003, LUPE met with, among others, financial officials with the Butte County Office of Education, which was designated by the First Five Commission through a memorandum of understanding with LUPE as the fiscal agency that would oversee financial compliance by LUPE and its partner, the state Office of Migrant Education, with the requirements of the demonstration project. At that meeting LUPE was instructed to submit all fiscal reporting to Migrant Education. LUPE submitted its first three quarterly financial reports (Dec. 31, 2003, March 31, 2004 and June 30, 2004) directly to Migrant Education along with voluminous photocopies of all documentation, including vouchers, invoices, time sheets and receipts. Based on this arrangement, LUPE didn't submit the back-up documentation that Pawel cited in her story directly to Butte County of Education or the First Five Commission.

In September 2004, LUPE received an email message from Adriana Simmons, Migrant Education's executive director, informing LUPE that it did not have to send photocopies of receipts, time sheets, invoices and other back-up documents. This email stated LUPE was only required to forward its quarterly financial reports and an expense report showing precisely how the funds were spent. Adriana Simmons's Sept. 3, 2004 email to LUPE and everyone else involved in the demonstration project read, "I wish to make a clarification regarding back-up documentation to be submitted with MEES [Migrant Education] Expenditure Quarterly Reports. It is NOT necessary to submit personnel timesheets, copies of Pos [purchase orders], etc. Please submit expenditure transaction printouts and/or any documentation that reflects what expenditures took place..." (The full text of her email is available upon request.)

Beginning with the next quarterly report on Sept. 30, 2004, and continuing through the next three quarters, LUPE only sent the reports to Migrant Education, as directed.

In early August 2005, after Miriam Pawel contacted the First Five Commission, LUPE received an email from commission official Richard Iniguez stating that LUPE's back-up documentation hadn't been sent to the First Five Commission. Iniguez directed LUPE to go back to the quarter beginning Sept. 30, 2004, and forward the documentation directly to First Five.

On Aug. 11, 2004, LUPE Executive Director Nora Benavites and LUPE controller Liz Villarino met with Iniguez's supervisor, Anthony Souza, (Iniguez was on vacation) and First Five Executive Director Kris Perry. Benavites and Villarino showed the First Five officials copies of the emails LUPE had received from Migrant Education instructing LUPE to forward documentation to Migrant Education. The two First Five officials apologized for the confusion that had occurred and requested that in the future all back-up documentation be sent directly to First Five. LUPE also made sure to forward documentation going back to the quarter ending on Sept. 30, 2004.

At no time did either the First Five Commission or its staff raise any questions about whether LUPE was submitting appropriate quarterly financial reports or annual progress reports relating to the demonstration project on time and with all accompanying documentation, including vouchers.

Pawel could have interviewed Iniguez's supervisor, Anthony Souza, or the commission executive director, Kris Perry, to determine the facts. She also could have asked LUPE. She never did.

During their interview, Nora Benavides suggested that Pawel examine the four or five boxes of supporting documentation that went along with LUPE's annual progress report. Benavides also explained the documentation included a video created to reach out to Mixteco families that don't speak Spanish, teaching them about First Five programs. It was the first time a First Five project had produced anything in an indigenous language. This hailed from LUPE's community organizing efforts in Monterey County farm worker communities such as Chular and Gonzales, where there are sizable indigenous populations reluctant to access services because providers do not speak Mixteco.

Pawel never gave LUPE an opportunity to refute this accusation or it would have convincingly done so.

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*“What the community organizing group lacked in on-the-ground operations it made up for with political cachet, which helped the proposal sale through the commission chaired by actor and director Rob Reiner.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

This charge is categorically false. For a year, representatives from the state Office of Migrant Education and LUPE's Benavides attended dozens of meetings of the First Five Commission and were involved in sessions with commission staff. LUPE made at least three presentations before the commission. (See public records from meetings of the First Five Commission in 2002 and 2003.) All contact by LUPE or anyone else from the Farm Worker Movement and First Five Commission members was limited to public meetings of

the commission. No one had private conversations with Reiner to help “the proposal sale through the commission.”

Then-commission Executive Director Jane Henderson raised questions about the evaluation component of the unique project. After discussions between LUPE and Migrant Education, they agreed the demonstration project needed an independent evaluator, who was retained using money from the grant. The evaluator has provided analysis, evaluation and recommendations to both LUPE and Migrant Education concerning implementation of the project.

Pawel never gave LUPE an opportunity to refute this accusation or it would have convincingly done so.

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“Jane Henderson, then executive director of the First Five Commission, said Benavides worked with Esperanza Ross, the registered lobbyist for the UFW, who helped persuade commission members to award LUPE the four-year contract.”

“Henderson knew Ross as the union’s lobbyist. When LUPE moved into California, however, Ross took on a second role: She has been working as LUPE’s policy director, augmenting the \$30,250 the union paid her to lobby in 2004. Experts said she must be careful to balance the two roles, since lobbyists are permitted to engage in political activity that charities are barred from.”  
(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

These claims are also completely inaccurate. Jane Henderson is incorrect. Miriam Pawel knew the facts prior to making these claims.

On one occasion in late 2002, Esperanza Ross accompanied Nora Benavides to a meeting of the First Five Commission where Benavides was making a public presentation concerning the demonstration project. Ross was with Benavides to conduct other LUPE business. Ross never spoke either publicly or privately with any commission member. Nor has Ross ever communicated in any official capacity with any commission member. Pawel never asked Benavides about this claim so Benavides did not have the chance to respond in the story.

The following exchange did take place between Pawel and Benavides during their Oct. 10, 2005 interview, according to the transcript:

Miriam Pawel: Esperanza Ross. Her role, job?

Nora Benavides: She works for LUPE. She’s our policy director. And we pay her as a consultant because she’s not a full time position. When we

formulate campaigns she helps me do research, comes up with white papers, helps me analyze issues. She researches what's going on at the state level in similar communities. She is an organizer. She has great organizing insight.

Miriim Pawel: She's also a registered lobbyist.

Nora Benavides: We don't lobby. Yesterday we had a daylong meeting she was at.

Miriam Pawel: She will work on all projects?

Nora Benavides: No. She helps us out with community organizing and campaign stuff.

Miriam Pawel: **That's in First Five stuff too, no?**

Nora Benavides: **No. She's not involved with First Five at all. Our outcomes with First Five...are completely separate.**

Why didn't this information that Pawel had ahead of time make its way into her story?

\* \* \*

*"In 2004, LUPE spent almost 40% of the state grant on various arms of the Farm Worker Movement, according to state records."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

This is another example of Miriam Pawel's selective and distorted use of facts. When a novel demonstration project such as this one is first implemented, there are some higher costs involved in getting it off the ground. The percentage of the First Five grant going to cover services provided LUPE by Farm Worker Movement entities over the four-year life of the grant is actually 20 percent, not 40 percent. Since Pawel never raised this matter, LUPE didn't have the opportunity to respond to the charge in her story.

LUPE's budget for the First Five grant was pre-approved by the First Five Commission and its then-executive director, Jane Henderson. Before approval, Henderson visited the Farm Worker Movement's Keene headquarters to see for herself the centralized accounting and Human Resources services LUPE would use. The First Five grants demand extensive financial reporting, accountability and documentation, including detailed quarterly reports. Fulfilling those requirements means financial management personnel must spend countless hours and days in time-consuming analysis and photocopying of each invoice and receipt to provide justification and documentation for the use of public money. The recruitment, hiring and monitoring of organizers and other LUPE

personnel in compliance with employment law and standards also demand time and attention from the Human Resources Department.

Twenty percent of a \$2.2 million grant, roughly \$500,000 a year for four years, to pay for these and other services is perfectly within accepted standards.

Pawel did not ask LUPE about this specific claim she used in her story so there was no opportunity to respond But these are just excerpts from Pawel's Oct. 10, 2005 interview with Nora Benavides revealing information Pawel did possess concerning financial services Benavides received for the First Five grant:

Miriam Pawel: What role did you play between the time you got the grant and the year until you were director?

Nora Benavides: I was very much involved. With myself, and my experience working with National Farm Workers Service Center, the hardest part is program implementation. The easy part is getting the proposal and lining up the review and setting outcomes. The hard part is the implementation, getting staff lined up to be aware of their obligations to First Five and Migrant Ed, making it clear what managers and I should be doing to be supportive, and then getting the accounting and reporting lined up. My role was compliance: Getting LUPE staff to be prepared to comply with the obligations of the state contract...

Accounting, our controller, financial staff, audited financial statements as well as grant compliance reports and budgets. They participate in our management by objectives and results meetings. They help me put budgets together when I write grants or reports. We pay a fee for those services depending on the amount of time. For example, the First Five contract is a state contract. There are quarterly financial reports and documentation. It requires a lot of time. Their fee is based on the amount of time they spend on LUPE.

\* \* \*

*"The Service Center was paid \$47,250 for consulting, to help LUPE comply with state regulations and meet objectives."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

Service Center, and especially its president, Paul Chavez, provide substantial consulting services to LUPE, from strategic and operational planning to compliance reporting to fulfill the requirements of the First Five grant. Service center's ongoing role also involves providing guidance and participation in results management meetings held on a monthly basis with LUPE's staff and executive director to oversee and evaluate all current operations.

LUPE's Nora Benavides shared much of this information with Miriam Pawel during their Oct. 10, 2005 interview. The following is one excerpt:

Miriam Pawel: You were active in shaping the First Five proposal?

Nora Benavides: The work I did with National Farm Workers Service Center as development director—the question was how do we do our work good and do it well. My work was how to do it well: commitment to people. And provide services that improve folks' lives. I sat down with the radio station people to look at what they do with the public education campaign and then what they do with community services and how to improve that and better streamline their products. Then making recommendations to Paul [Chavez] about where we would have opportunity to make changes in programs so they were stronger and looking at opportunities to find outside funding, which service center had never done before. In addition to that, Paul and I and accounting really developed the grants compliance system. My comment to Paul was if we are going to for the first time go to foundations for funding, go to state agencies or even federal agencies, local communities, this investment is what's important to them and we have to be ready to do outcomes, fulfill our time lines and make sure we're in compliance. I spent a lot of time with accounting, setting up billing and reporting systems. From there I started to write various grants, California Wellness Foundation, for funding Casa Hernandez in Delano, they gave us a two year grant to engage farm worker seniors to do exercise and practice healthy living. A really good program. We received some funding from California First Five to do some outreach at housing sites and radio education campaigns.

\* \* \*

*“The Farm Worker Institute for Education and Leadership Development [FIELD] was paid \$50,000 to write 10 30-second educational radio blurbs and develop a program to train parent leaders.”* (“*Linked Charities Bank on the Chavez Name,*” Jan. 9, 2006)

FIELD's jobs entail developing and redeveloping classroom curriculum, modifying the curriculum when needed, training all LUPE instructors and handling post- and pre-examinations and evaluations of all students. A key reason First Five was interested in the demonstration project involving LUPE was because its existing commercials, outreach tools and even its Spanish-language materials did not relate to the particular lifestyles of farm worker or immigrant families. During negotiations with First Five, LUPE sought to develop training curriculum targeting farm workers and immigrants linguistically and culturally based on their lifestyles.

FIELD, which has successfully undertaken job skill and vocational English training for thousands of farm workers across the state, was uniquely qualified to assist LUPE in this endeavor.

This is the first curriculum developed that tailors First Five’s messages about early childhood development to the lifestyles of farm workers and immigrants, many of whom do not understand traditional Spanish-language commercials and other messages.

\* \* \*

*“The UFW-affiliated radio stations were paid \$9,300 for production, and then each of the four California radio stations the movement owns earned \$375 per hour to air one-hour programs required by the grant. The Farm Worker Movement’s radio stations were even paid to air public service announcements, with rates ranging from \$11 to \$75 per 30-second spot.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

Rates Miriam Pawel cited in her story are well within—and often below—the range of rates obtained in January 2006 for comparable spots on other radio stations in the same markets covered by Radio Campesina. Radio Campesina offers distinct advantages over individual stations on which LUPE could place its messages: Radio Campesina Spanish-language stations are very popular among farm workers and other immigrants in the markets in which they operate; its extensive educational talk shows and programming are very popular among farm workers whom it targets; the network’s target audience—recent immigrants between the ages of 25 and 49—closely parallels the population the First Five-sponsored demonstration project seeks to reach.

Radio Campesina, the educational Spanish-language radio network operated by the service center, provided extensive in-kind contributions for LUPE’s First Five messages. They took place as LUPE and Radio Campesina were putting together the budget for the First Five public service announcements. Radio Campesina also provided much valuable live remote on-the-air coverage of First Five events organized by LUPE free of charge.

Moreover, LUPE carefully analyzed the audiences targeted by Radio Campesina, which parallel the farm worker and immigrant populations with small children that are the focus of LUPE’s First Five messages. LUPE decided on a variety of radio messages promoting First Five programs. They include a large number of specially targeted 30-second PSAs; “educational capsules,” which amount to two-minute commercials; as well as much longer and very popular weekly Radio Campesina interactive talk shows that the network devotes to topics covering First Five early childhood education programs. These talk shows also interview parents who are members of LUPE committees and participating in First Five programs as another way to get the message out.

For the first time, farm worker and immigrant families are listening to and participating in interactive educational programs on popular Spanish-language radio stations where they learn why cognitive and social development of infants is very important in their children's lives.

\* \* \*

*“During one week in December 2004, Radio Campesina billed \$2,295 to do 85 promotions for an upcoming event, charging \$27 for each 30-second promotion. Then it charged \$5,000 for 90 minutes of live broadcasts from the event..”*  
*(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

The “\$5,000 for 90 minutes of live broadcasts from [a LUPE First Five] event” that Miriam Pawel described was actually an in-kind contribution from Radio Campesina to LUPE. Miriam Pawel never asked LUPE or service center, which runs Radio Campesina, about the alleged \$5,000 broadcast. In-kind contributions are not required under the terms of LUPE's arrangement with Radio Campesina.

Radio Campesina organizes three major events each year attended by tens of thousands of farm worker and immigrant family listeners who are also the targets for First Five messages: Cinco de Mayo, Mother's Day and Mexican Independence Day. LUPE uses those events to distribute information and sign up thousands of families as part of the First Five demonstration project.

\* \* \*

*“Paul Chavez, who oversees the radio stations and also sits on the board of LUPE, said the network doesn't usually charge for public service announcements unless groups come in with a budget: ‘It's really whatever the market can bear.’”*  
*(“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

Radio Campesina runs many public service announcements at no charge for non-profit community groups. They are aired when slots become available. Other groups approach the network with outreach campaigns that use PSAs to deliver their messages. They usually want these PSAs to run on particular days and times and at specific frequencies (repetitions) as part of their outreach efforts. Radio Campesina charges a fee for that type of coordinated PSA campaign.

Radio Campesina charges LUPE rates that are comparable in the media markets it covers. But Radio Campesina also airs many PSAs with First Five messages for LUPE free of charge.

\* \* \*

*“To meet the goal of the program funded by the First Five Commission, LUPE set up committees of farm worker parents, educated them about their preschool children’s needs and helped them sign up for existing programs, such as health insurance.*

*“Once organizers had set up the committees and compiled a database of parents, half a dozen organizers said, Benavides told them to start signing the parents up as LUPE members and charging a \$40 annual fee. When staffers objected, they said, they were forced out.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

Miriam Pawel failed to draw a distinction between two separate and distinct programs: One was LUPE’s demonstration project to bring First Five messages to farm worker and immigrant families. The other was LUPE’s fundamental mission of using community organizing techniques pioneered by Cesar Chavez during the early years of the UFW to help LUPE members achieve social and economic change in their own communities.

The First Five demonstration project carried with it no obligation for parents to sign up for LUPE’s community membership program. Parents whom LUPE sign up for First Five programs are under no duty to get involved in LUPE’s community organizing efforts, although many choose to do so. The committees, or *comites*, that are at the core of LUPE’s community organizing philosophy are not set up as part of the First Five demonstration project.

Some LUPE staff in the Central Valley was let go because they objected to participating in a community organizing model that demands poor people take responsibility and become invested by contributing to the effort that will improve their lives. This model has proven successful in South Texas and on California’s Central Coast.

Key components of this practice by LUPE—that has nothing to do with First Five—is identifying community leaders, signing them up as members and getting them involved through formal committees in their own communities. Then LUPE offers them critical services according to the needs of where they live. They are enrolled for important benefits and services that do not relate to First Five such as a prescription drug program, tax preparation services, Notary Public services, immigration counseling and assistance in preparing forms. Young people qualify for youth memberships with an entrepreneur program providing assistance in starting up small businesses and supplying opportunities to get involved in community service projects.

An example of how the First Five effort LUPE undertakes relates to LUPE’s community organizing work occurred last year in the city of Salinas. There, parents who LUPE initially got involved in early childhood development under the First Five demonstration project came to play a central role through

LUPE's community organizing in the drive opposing closure of the city's Cesar Chavez and John Steinbeck public library branches. Through protests and other community activities, the "Save the Library" campaign drew national media attention. So the parents whom LUPE got involved by signing up for First Five programs eventually were transformed into community activists rallying against library closures.

Pawel never asked Benavides about the charge that the First Five demonstration project and LUPE community organizing campaign and community membership contribution were linked, so LUPE did not have an opportunity to respond in the story. Benavides mentioned exciting LUPE campaigns such as the Salinas library drive to Pawel, but they didn't end up in her story.

\* \* \*

*"Benavides, who became LUPE's executive director in August 2004, agreed that the organizers were reluctant to ask for membership dues, which she said are vital to making programs self-sustaining and making sure members feel invested in LUPE.*

*"Some people just aren't comfortable asking for money,' she said, adding that she fired a number of staff members because they didn't meet various goals, including that one.*

*"When state officials monitoring the grant raised questions about the staff turnover and the push for members, UFW President Arturo Rodriguez, also the president of LUPE, tried to reach Reiner to complain*

*"Some LUPE staff members said they objected that it was wrong to collect dues for programs that were already paid for by the state grant. In some cases, they said they'd assured parents there would be no fee*

*"We didn't need the money,' said Cesar Lara, LUPE's California director until he resigned under pressure in July. 'And we weren't offering any services.'" ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)*

Once again, Miriam Pawel tried to falsely link the work of the First Five demonstration grant with the basic community organizing work of LUPE, which offers members access to separate benefits and services as well as access to an even greater benefit, making fundamental change happen in their communities. These former staff wrongly confused their work in complying with the First Five demonstration project—enrolling families in early childhood development programs—with the basic work of LUPE, which is building a membership organization to empower poor farm worker and immigrant families to push for change where they live.

And again, if a family signing up for First Five programs does not want to join LUPE's community organizing drive, LUPE will still sign them up and service them under terms of the First Five grant.

The First Five Commission viewed LUPE as an educational and outreach arm to get farm worker and immigrant parents to understand the correlation between early childhood development and their children's success in school. What was also appealing to the commission was that LUPE goes further by working in communities where access to adequate child care centers doesn't exist. LUPE's long-term work produces benefits far beyond the limits of the First Five demonstration project.

Once again, Pawel didn't ask LUPE about these specific charges she placed in her story so there was no opportunity to refute them.

\* \* \*

*"Vista del Monte Project: a Loan Among Friends*

*"Tenants in the apart complex perched high in the San Francisco hills had stunning views of the bay, but in 2000 they were about to be evicted. Then the National Farm Workers Service Center bought the 104-unit building on Gold Mine Drive with a low-interest loan from the California Housing Finance Agency and a promise to keep the rents affordable." ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)*

Indeed, it is a promise that has been kept, although there is no mention of it by Miriam Pawel. The service center acquired the property from an owner who could easily have converted Vista Del Monte to luxury apartments, raised rents to market level and displaced all the tenants. Instead, the service center extended the expiring affordability of the complex by negotiating a 20-year contract with the U.S. Department of Housing and Urban Development that subsidizes rents so tenants only pay 30% of their income. Rents will remain affordable at least for the next 55 years.

Service center purchased this 30-year old property knowing the previous owner had purposely neglected it. As a result the complex was suffering from structural failures and deteriorating exteriors. Since 2001, the service center secured and spent \$11 million, or \$106,000 per unit, to replace the exterior siding and shear walls; repair plumbing; make structural repairs to balconies and porches; replace all the roofs; replace all windows and sliding glass doors; replace lighting fixtures (both interior and exterior), intercom, site security and landscaping; improve site drainage; resurface all parking lots; repair structural integrity of the garages; install a retaining wall on the steep side of the hill to protect the property; remediate mold; install new kitchen and bathroom cabinets, plumbing fixtures and vinyl; carpet flooring throughout; and paint both the exterior and interior.

All this work will be done (completion is expected in February 2006) without an increase in rents to tenants and without displacing residents. In these times of booming real estate values, it is extremely difficult to preserve any type of affordable housing. It is exponentially much more difficult to do so when the housing is located on a hillside with beautiful views of San Francisco Bay in a neighborhood surrounded by multi-million dollar homes.

“Somehow the total rehabilitation and preservation of this property as affordable housing for very low income families (some are Latinos) was deemed to be not worthy of note” in Pawel’s story, according to a letter to the editor of the L.A. Times by Richard J. Devine, one of the premiere affordable housing authorities in the country who invited the service center to get involved in the Vista del Monte rehabilitation.

\* \* \*

“To swing the deal, Paul Chavez, president of the Service Center, needed to borrow an additional \$1.2 million to help renovate the complex. So he turned to the Cesar E. Chavez Community Development Fund, a foundation he also chairs.

“Chavez said he presented the deal to the foundation’s board and recused himself from the vote on the loan. The result was a \$1.2 million note at 11.75% interest, far higher than any of the Service Center’s many other notes or loans for affordable housing projects.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

The loan was issued by the Chavez development fund as part of its social investment strategy. The fund is always looking for a chance to make social investments providing good to the community as well as bringing in a fair and reasonable return on investment for the fund. It is from these proceeds that the fund can continue to make charitable contributions.

The higher interest rate was dictated by the fact it was an unsecured note since the California Housing Finance Agency would not allow the service center to secure the note with the property, as is normally the case in real estate transactions. Therefore, the Chavez development fund had a fiduciary responsibility to demand a higher interest rate on the loan. The loan was also approved by the California Housing Finance Agency and all the parties involved in the transaction prior to its execution.

“Along with purchasing the Vista del Monte complex, the Service Center embarked on extensive repairs. The rehabilitation ran into trouble right away. Apartments flooded when the roof was being repaired, mold grew, tenants were displaced and the contractor repeated asked for changes that increased the price.

*“Jon Orovecz, the consultant hired by the California Housing Finance Agency to oversee construction, complained frequently that prices exceeded industry standards and that the Service Center officials were agreeing to unnecessary costs.”*

*“Never in my 25-year career have I seen anything as ridiculous,” he wrote in May 2002. “...A lot of money has been wasted due to a failure to understand what things really cost and to intelligently explore other alternatives.”* (“*Linked Charities Bank on the Chavez Name,*” Jan. 9, 2006)

In her story, Miriam Pawel’s claimed “the rehabilitation ran into trouble right away.” “That was due to record rainfalls and wind that removed the protective tarps that were installed by the general contractor,” according to the letter to the editor to the L.A. Times by housing expert Richard Devine.

“Rather than quote Mr. Orovecz as the expert on construction at Vista del Monte,” Devine’s letter read, “your reporter should have interviewed a representative from the financial institution that actually made the construction loan and approved the draws [monthly disbursements] for completed work. [California Housing Finance Agency] at that time did not make construction loans for reasons never discussed in your article.”

While it was being rehabilitated, Vista del Monte faced another problem: big expenses that had not been anticipated by the architect, contractor, service center, the construction lender, Citibank, or the California Housing Finance Agency.

After removing 4’X8’ sheets of plywood siding that covered the outside of the complex, it became apparent the sheets were an important part of the structural integrity of the building; they were helping to hold up the structure. Service center had to attach new plywood sheathing. Neither the engineer whose job it was to identify this probability nor other construction professionals involved with the project, including Orovecz, identified this as a issue prior to starting rehabilitation, although all received, reviewed and approved plans for the scope of rehabilitation work.

Another major unforeseen expense was the discovery of extensive dry rot once workers began uncovering porches. The porches had to be rebuilt to make them structurally safe and sound.

Officials and consultants with the California Housing Finance Agency such as Orovecz knew about these unanticipated expenses and demanded service center make the necessary repairs even though they were not part of the original budget the state approved. Everyone agreed these structural repairs needed to be added to the scope of work, but neither the state agency nor

anyone else offered service center additional funds. It was at that point that service center obtained the \$1.2 million loan from the Cesar E. Chavez Development Fund to cover the costs of the changes the agency was insisting upon.

Orovecz was the only person Pawel quoted concerning oversight of construction even though “no funds from the California Housing Finance Agency were used to rehabilitate the property,” Devine noted in his letter to the L.A. Times. “Citibank was the lender,” Devine continued, “Additional funds were required from Chavez Community Development Fund because neither Citibank nor [California Housing Finance Agency] would advance additional capital to fund needed repairs” resulting from the structural problems uncovered after construction began.

It is understandable that agency officials such as Orovecz, who were very hostile towards the service center, neglected to mention these facts to Pawel. But why didn't Pawel give the service center an opportunity to respond to Orovecz's claims in her story? Paul Chavez informed Pawel during their Sept. 27, 2005 interview of the animus that existed between the service center and the California Housing Finance Agency, according to the transcript of the interview.

“Your reporting on Vista del Monte is rife with errors, distortions and half truths,” Devine, the nationally respected affordable housing authority, wrote in his letter to the L.A. Times. “This is not responsible journalism. It is a ‘hit piece’ better delivered by the rags racked at supermarket checkout counters.”

\* \* \*

“When the state agency, with \$11.4 invested at 5.9% interest, found out the Service Center was making payments on the Chavez fund loan, officials ordered it to stop immediately because the project was over budget.

“State officials warned repeatedly that the payments to the Chavez fund were unauthorized, but to no avail.

“According to notes of one meeting, the Service Center’s general counsel, Emlio Huerta, insisted the payments were essential.

“Per EH, they need to continue payments. The major reason provided was that they do not want to upset good relationship with C. Chavez Development for future financing needs,’ the state loan officer wrote.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

The following exchange occurred between Miriam Pawel and Paul Chavez during their Sept. 27, 2005 interview:

Miriam Pawel: The back and forth about making loan payments?

Paul Chavez: They [California Housing Finance Agency] thought it [the Chavez development fund] was the same as the service center. We said no, it's a different organization, different treasuries. They [the agency] were saying monthly installments should not be paid because it's an in-house loan. Bullshit. We had to make them understand it was a separate organization with separate board of directors and separate missions. We had legal liability to pay it back.

Even though the California Housing Finance Agency approved the loan from the Chavez development fund to the service center that called for monthly payments to the Chavez fund, California Housing Finance Agency ordered the service center to stop loan payments. If the agency officials really believed payments on the loan were "ridiculous" and "unauthorized," why didn't they take the service center to court? They didn't because the service center was right.

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"The close relationship between the two entities [the Chavez development fund and the service center] goes beyond the common leadership of Paul Chavez. The Chavez fund, with about \$10 million in assets, is a foundation that must give a certain percentage of its earnings each year to designated charities. The main charity the fund supports each year, according to tax returns, is the Service Center." ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

Miriam Pawel implied improper insider arrangements of some kind. In fact, Paul Chavez and others involved with more than one Farm Worker Movement organization consistently fulfill their fiduciary responsibility by making full disclosures involving all transactions between them.

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"Hundreds of UFW workers used to live and work on the sprawling grounds of the former tuberculosis sanatorium in the Tehachapi Mountains, the union headquarters since 1971. Single staff members lived in the main building of the hospital, couples with children in the double-wide trailers. The massive, Mission-style North Unit housed offices and rooms for large events, from conferences to weddings."

"Today all the offices [of the Farm Worker Movement] fit in one small building, and the compound is being transformed into a tourist attraction that lionizes Chavez and his accomplishments—and makes money for the movement he founded." ("Linked Charities Bank on the Chavez Name," Jan. 9, 2006)

Hundreds of people lived and worked there with room and board provided when the Farm Worker Movement consisted of full-time volunteer organizations.

With the advent of a paid staff, most people came to live elsewhere and commute to their jobs. Today, about 65 staff people work in the 14,000 sq. ft. building that serves as national headquarters for the UFW, service center and the health and pension funds, with separate financial management operations for the UFW and service center, a Human Resources Department serving the entire movement and other administrative operations.

Many of the Farm Worker Movement entities maintain satellite offices throughout the states of California, Arizona, Texas, Washington and Florida, thereby refuting Pawel's statement.

The "compound" is certainly not "being transformed into a tourist attraction that lionizes Chavez and his accomplishments." The visitor center on a small portion of the grounds offers programs and tributes to Cesar Chavez and those who worked with him. Plans for the conference center in the North Unit call for extensive facilities that will train future generations of organizers and help empower farm workers and activists from other non-profit groups to address the needs of their communities.

The Chavez foundation board decided not to charge an admission fee for the National Chavez Center in an effort to ensure farm workers and other low-income people could get in. That is why the Chavez center is offering its facilities for rent. Rental of space is widely practiced among museums, libraries and other public places, including analogous institutions such as the Mexican Heritage Plaza in San Jose, the Steinbeck Center in Salinas, and the Nixon and Reagan residential libraries, to help pay for the high costs associated with operating and maintaining these facilities, and providing educational programs.

If Miriam Pawel had given the movement an opportunity to comment on her allegations, perhaps these inaccuracies would have been avoided.

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*[subhead:] Chavez Center: From Union Hub to Tourist Attraction*

*"The tab: \$5 million dollars in taxpayer money.*

*"The methodology: All in the family."* (*"Linked Charities Bank on the Chavez Name," Jan. 9, 2006*)

The Cesar E. Chavez Foundation applied for and was awarded a \$2.6 million grant from the California Department of Parks and Recreation as partial funding for the National Chavez Center, consisting of the memorial garden around Cesar Chavez's gravesite and a visitor center.

The Chavez foundation successfully engaged in a competitive bidding process to win an additional state award of \$2.5 million, since reduced to \$2.25 million, for construction of a conference center/library/gallery at the North Unit. More than 120 other organizations competed for these funds. The money has not yet been received given the lengthy administrative process involved.

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*“When state officials wanted an outside appraisal, the Chavez foundation turned to Celestino Aguilar, a Fresno real estate maven Paul Chavez recently referred to as ‘Mr. Slick’ in describing his role decades ago in helping Cesar Chavez get into the housing business.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

This is a misrepresentation of what Paul Chavez said. Both Aguilar and his parents worked in the fields before Aguilar fashioned a successful career in real estate. Then he turned to Cesar Chavez and offered to help the Farm Worker Movement get into real estate too. The “Mr. Slick” reference was in relation to Aguilar’s personal appearance—he likes to dress well—and to describe a man who made it in private business and wanted to give back to the movement. It was never meant in the derogatory manner Miriam Pawel referenced in her story.

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*“The Chavez foundation’s grant application stressed the historic value of the project, the Chavez library that will be created and the opportunity to tell the story of the Farm Worker Movement. In public appearances, family members stress that the retreat center will be available for rent, with rooms to stay overnight and catering done by Pan Y Vino, the cafeteria on campus that was once a communal kitchen. The Stonybrook Corp. has sole catering rights.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)*

The Cesar E. Chavez Foundation will use the conference center, library and exhibit gallery to which Miriam Pawel referred to deliver its own programs such as youth leadership conferences and organizer training for farm workers, other workers and community activists. It will also host conferences sponsored by other community-based non-profit organizations to plan their own good work.

As for “sole catering rights,” Stonybrook Corp. owns and manages the “Forty Acres” property, 40 acres in Delano that houses the area offices for the UFW and the service center as well as the Paulo Agbayani housing village for farm workers and other poor elderly residents. A large hall at the Forty Acres is frequently rented out to groups and individuals for large events. Stonybrook has never exercised exclusive catering rights at the property. Those using the facilities have brought in their own catering or made arrangements with other businesses.

Again, Miriam Pawel never inquired about catering practices.

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“The project [the National Chavez Center] ran 50% over budget, yet two state audits found no problem, even though there was no written documentation explaining the overruns. In his last days in office, Gov. Gray Davis gave the foundation an additional \$600,000 to help plug the gap.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

Miriam Pawel never backed up her claim that “the project ran 50% over budget” nor does she indicate the source of the charge. She also didn’t give the Farm Worker Movement the chance to respond to the accusation about “overruns.”

Total development costs for the National Chavez Center, encompassing both the memorial gardens around Chavez’s graveside and renovation of the building that housed his office as a visitor center, were \$3.5 million. The two state grants, amounting to about \$2.5 million, were never intended to cover the entire costs of the project.

Once construction of the visitor center began, engineers examining the 1920s-era building discovered it was structurally unsound and so decrepit that a decision was made to tear it down and rebuild from scratch while preserving Chavez’s office and the architectural character of the original building. This decision considerably increased the scope of the project and added additional development expenses. There was no budget overrun involving the state grants, as Pawel implied in her writing. Pawel loped together her claim of a project overrun with a reference to two state audits of the grant funds. She also failed to mention private funding for a portion of the project costs.

The \$600,000 second state grant helped cover the additional development costs from the expanded scope of the project after it was known the structure hosting the visitor center needed to be rebuilt.

\* \* \*

“On Cesar Chavez’s birthday last March, volunteers gathered to fill dumpsters with garbage they carted out of the abandoned North Unit, soon to become a shrine to the movement’s history. Grape boycott posters, index cards listing unfair labor practice cases, associate UFW membership applications and old Christmas cards fluttered away in a stiff wind, unwanted history jettisoned along with the furniture and debris.” (“Linked Charities Bank on the Chavez Name,” Jan. 9, 2006)

First, as has already been noted, the conference center/library/gallery is not going to become a “shrine to the movement’s history”; the visitor center on the opposite side of the 180-acre grounds helps impart the history of Cesar Chavez and the Farm Worker Movement. The conference center addresses the future, not the past.

Second, the Cesar E. Chavez Foundation has meticulously labored to document and preserve the history of Chavez and the movement. It celebrates the past and shares it with future generations by commemorating key events. Miriam Pawel attended two such observances sponsored by the Chavez foundation during 2005: On April 23, 2005, the first anniversary of the opening of the National Chavez Center, Pawel attended the premiere of an extensive photo exhibition at the visitor center marking the 30<sup>th</sup> anniversary of the passage of the Agricultural Labor Relations Act. She also sat through a three-hour panel discussion presented by participants in Cesar Chavez’s historic 1,000-mile march up the California coast and down the Central Valley taking news of newly won rights to farm workers in most of the state’s major agricultural areas.

Then, on Sept. 17, 2005, Pawel and her photographer attended a full day of UFW-sponsored events marking the 40<sup>th</sup> anniversary of the 1965 Delano grape strike at the Farm Worker Movement’s Forty Acres facility in Delano. As many as 500 people, including former UFW leaders, staff and strikers, gathered for two lengthy panel discussions on the grape strike and boycott plus a ceremony honoring original strikers and music from Luis Valdez’s Teatro Campesino.

The following day, Sept. 18, 2005, Pawel was at the National Chavez Center at Keene for the second day of commemorations, this time sponsored by the Chavez foundation. It included religious services and unveiling of a new photo exhibit focusing on the early months of the 1965 Delano vineyard walkouts.

In addition to Miriam Pawel, these events have drawn historians and videographers from major universities such as Yale and California State University, Northridge.

In April 2006, the Chavez foundation will launch the latest in a series of planned historical observances at the Chavez center in Keene, this one documenting and recognizing participants in the landmark 350-mile march from Delano to Sacramento in March and April 1966, that brought national attention to the farm workers’ cause. Already scheduled are a new photo exhibit and panel discussions by former marchers, strikers, union leaders and volunteers. Centerpiece of the exhibit will be the original “Banner of Our Lady of Guadalupe” that led the march to Sacramento 40 years ago and will be on permanent loan from the labor archives at San Francisco State University to the Chavez foundation for display at the Chavez center in Keene.

So much for Pawel's implications about "unwanted history."

Third, as for the "grape boycott posters, index cards listing unfair labor practice cases, associate UFW membership applications and old Christmas cards" that "fluttered away in a stiff wind": Good-quality originals of the grape boycott posters are preserved in places such as the prestigious labor archives at Wayne State University, official depository for the UFW's historical records. Additional posters in good condition are available for sale. The posters that were discarded on that day were damaged or torn. The unfair labor practice working case files to which Pawel referred dated from the 1970s and '80s; the Agricultural Labor Relations Board long ago discarded such files from outdated cases. The cases that resulted in ALRB and appellate court decisions have been published. The associate member applications Pawel cited were duplicates that had been on file in UFW field offices and were transferred years ago to the union's Keene headquarters for storage. They were shredded at the time Pawel described to protect the privacy of union members because the documents contained Social Security numbers and other personal information. Original applications for current associate union members are on file at the UFW headquarters.

\* \* \*

*"The financing was set and the plans were drawn, dotted yellow lines showing just where the morning and afternoon sun would shine on the 53 homes for lower-income families.*

*"Almost a decade after the National Farm Workers Service Center had bought vacant land at a Fresno crossroads, the charity was ready to break ground on the affordable housing project called La Estancia."* ("Real Estate Deals Pay Off for Insiders," Jan. 9, 2006)

These claims are completely false. At the time Miriam Pawel described, the service center was still in the entitlement process with this property located in the city of Fresno. The zoning to build single-family housing was not in place. The service center did not hold a permanent map granting permission from the city to build. The service center was still exploring possible sources of construction and mortgage financing, but nothing was in place yet. Service Center was considering design alternatives, but no plans had been adopted, much less approved by local officials.

Pawel never presented this scenario that ended up in her story to the service center. If she had, the service center could have easily marshaled the documentation to disprove it.

\* \* \*

*"Then the plans were abruptly scrapped.*

*“Paul Chavez, president of the Service Center, decided the plot had appreciated so much it made more sense to sell.” (“Real Estate Deals Pay Off for Insiders,” Jan. 9, 2006)*

Miriam Pawel left out some critical facts: In July 2004, the period Pawel described, the service center faced a critical decision. As Paul Chavez informed Pawel prior to publication, the service center was required to have a permanent map completed by Feb. 1, 2005. To do so, service center would have had to put up out-of-pocket payments in fees and bonds of approximately \$600,000. Otherwise, the property would have reverted back to zoning for agricultural use, which would have precluded anyone from building on it—and the value of the land would have plummeted.

Pawel also didn't tell readers until a brief mention toward the end of the story why the service center sold the land so quickly. As Paul Chavez informed Pawel in his Dec. 29, 2005 letter, the answer was simple. The following are some excerpts from that letter (the full version is in the notes that follow):

“In an effort to expand, we were looking for ways to reach out to more farm workers and recent immigrants on the radio side of service center operations. “Federal Communications Commission Auction 37 FM Broadcast Licenses” was the FCC’s auction of radio licenses for the country in 2004...Winning bidders had to produce cash representing 20 percent of the total bid within 10 days of winning. Upon the FCC announcing it was prepared to award construction permits, the remaining 80 percent was owed within 10 days.

We believed we needed to come up with the full payment within a very short period of time. We figured the auction would occur in November and we needed to have all the money available by the end of the year if we were to be successful...

One of the licenses we bid on was for Coursegold, a frequency in the Sierra foothills east of Madera, which would have enabled Radio Campesina to reach farm workers from Fresno to Merced. Acquiring that license would have given us blanket coverage over the largest concentration of farm workers in the United States, from the Ridge Route at the southern tip of the San Joaquin Valley all the way to Merced.

\* \* \*

*“For several years beginning in 2000, Huerta’s firm was paid more than \$120,000 as a consultant to the Service Center. As an independent lawyer, Huerta bills for work on individual housing projects built by Service Center subsidiaries; a 2001 contract gave his hourly rate at \$200..” (“Real Estate Deals Pay Off for Insiders,” Jan. 9, 2006)*

Miriam Pawel's selective use of facts was misleading. Pawel left out of her story most of the information she received in Paul Chavez's Dec. 20, 2005 written response to her emailed question regarding Emilio Huerta's compensation from service center:

Miriam Pawel: Also, I have seen contracts that specify his [Huerta's] hourly wage in connection with specific housing projects, such as Vista del Monte. I wanted to double check that this is separate from and in addition to his firm's compensation as general counsel as reported by the service center.

Paul Chavez: As you saw from the 2003 990 [tax return] form, the law offices of Emilio Huerta did not appear. That is because the amount paid to the law firm of Emilio Huerta dropped to approximately \$3,500 for all service center legal work. He also won't appear on the 2005 990 because as of November 2005, his law firm has been paid \$277 during the year.

The law office of Emilio Huerta continues to perform considerable legal work for the service center as its general counsel, but in the last few years he has increasingly been doing so on a pro bono basis. When we do pay the law firm for legal work, almost entirely for real estate transactions, its rates are 30 or 40 percent less than we pay for comparable outside legal services.

\* \* \*

*"In the early 1980s, as Cesar Chavez was struggling to find ways to finance services for farm workers, a Fresno businessman had approached him with a proposition: Develop housing jointly and split the profits."* ("Real Estate Deals Pay Off for Insiders," Jan. 9, 2006)

This is not true. The UFW, and later the service center, developed housing with help from Celestino Aguilar, a former farm worker who had become successful in real estate. But Aguilar volunteered his services and time, with revenues going to the UFW and the service center. Miriam Pawel did not ask about this claim she included in her story, so the service center did not have an opportunity to clear up the inaccuracy.

\* \* \*

*"Later the union built housing for farm workers; in more recent years under Paul Chavez's leadership the Service Center has built and bought affordable housing aimed at lower-income Latinos—though not, for the most part, farm workers.."* ("Real Estate Deals Pay Off for Insiders," Jan. 9, 2006)

As noted in earlier stories, this is completely false. Out of 3,500 units of

high-quality affordable rental housing built or rehabilitated by the service center, 1,900 are in farm worker communities in the Central Valley, Central Coast and in agricultural areas of Arizona and South Texas. Miriam Pawel was supplied with a complete listing of service center housing projects in farm worker communities. She decided to ignore it. Furthermore, creating and preserving affordable housing for anyone, especially low-income working families in contemporary California, is a good thing.

\* \* \*

*“Chavez said he saw no conflict in the sale. When first asked about it, he expressed surprise that Huerta was involved. ‘He had given me notice that he was leaving; we talked, and he had a change of mind,’ Chavez said in an interview. ‘He said, “You know what, I’ve put too much into Service Center.” My understanding was that he severed the relationship’ with Encinas.” (“Real Estate Deals Pay Off for Insiders,” Jan. 9, 2006)*

This is another example of Miriam Pawel taking quotes out of context. Paul Chavez did not “express surprise” that Emilio Huerta was involved in the sale of the Fresno land, a fact Chavez knew since summer 2004. Chavez expressed surprise during his Sept. 27, 2005 interview with Pawel after she handed him a document listing Huerta as an officer of Landmark in February 2005, since Huerta had officially given notice that he was ending his relationship with the company. At that moment, Pawel was not asking Chavez about an alleged “conflict in the sale” of the Fresno property. She was asking him to respond to the document she had just handed him. See the following excerpt from Pawel’s Sept. 27, 2005 interview with Chavez:

Miriam Pawel: Who bought it [the Fresno property]?

Paul Chavez: Bill Encinas [Landmark] bought it.

Miriam Pawel: Was there a problem selling to someone with a close working relationship?

Paul Chavez: No. He ended up paying more than the other buyer. They also closed really fast and we went with them because we could use the cash.

Miriam Pawel: [Handing Paul Chavez a document.] This is on file in February [2005].

Paul Chavez: Emilio was going to leave and decided to stay. He changed his mind. Had put too much into service center. He severed his relationship with Billy [Encinas].

\* \* \*

*Third day story:  
"Decisions of Long Ago Shape the Union Today," Jan. 10, 2006*

What Miriam Pawel described as an "historical piece" on Cesar Chavez is blatantly biased and unfair. UFW President Arturo Rodriguez told Pawel in comments emailed to her on Nov. 12, 2005, "There were some legitimate policy disagreements within the union during the late 1970s and early '80s. There are arguments to be made on both sides. But these events, which occurred 25 to 30 years ago, aren't relevant today.

"The fact is that even if there had not been any policy disagreements within the union two or three decades ago, nothing would have prevented the dismantling of enforcement of the Agricultural Labor Relations Act for 16 years under Govs. Deukmejian and Wilson, and the tragic loss to many farm workers of the hard-won gains they won through union contracts." If Pawel was really interested in presenting a balanced historical review, why didn't she mention a word in her series about that critical period from 1983 to 1999?

Unions are political organizations. In political fights there are winners and losers. Pawel's story is so unfair because she only gave one side of the story. Out of this Jan. 10, 2005 article running 121 column inches, only five column inches—or 4 percent—had anything positive to say about Cesar Chavez.

This was despite the interviews Pawel conducted with historical figures such as UFW co-founder Dolores Huerta and extensive interviews Pawel had with at least three other crucial eyewitnesses to relevant events of the late '70s and early '80s who provided detailed and specific accounts diametrically contradicting the premises presented in her story on Chavez: former Agricultural Labor Relations Board Regional Director David Arizmendi, former veteran UFW organizer and manager Roberto de la Cruz and former union attorney Barbara Macri. Had Pawel used material from any of these interviews, her story would have been far more fair and balanced.

There was never a question about whether the UFW would organize. It was what tactics to use. Chavez became skeptical of relying solely on organizing. He also believed the boycott, which had proven so successful before for the UFW, had to be an important nonviolent weapon.

The man Pawel portrayed in her story was not the Cesar Chavez many inside and outside the Farm Worker Movement knew well for decades. It was not the man who inspired millions of people. Chavez liked to say the organizer's job is to help ordinary people do extraordinary things. He spent his career making the poorest, most humble people believe that their work, their contributions were

important. Perhaps that is why he succeeded in organizing the first successful U.S. farm workers union when so many others had failed for 100 years.

The Farm Worker Movement and Chavez family have made many genuine efforts to reach out to former union leaders and staff who made important contributions in past years but have felt disaffected. Current movement leaders and family members are not interested in dredging up old fights that are no longer important and have nothing to do with the movement's current efforts.

This does not mean Pawel's Jan. 10, 2006 L.A. Times profile on Chavez is not replete with falsehoods, inaccuracies, misrepresentations and omissions. Just one example follows.

\* \* \*

*"In 1982, a judge concluded that Chavez had acted illegally, because the reps were elected and not appointed. The victory was pyrrhic, since the contracts were expiring and many had lost their jobs."* ("Decisions of Long Ago Shape the Union Today," Jan. 10, 2006)

This is false and inaccurate. On Oct. 18 and 19, 2005, Miriam Pawel spent a total of about an hour and a half in telephone interviews with Barbara Macri, an attorney now practicing in Ventura, Calif. who represented the UFW in the litigation Pawel described above. Macri clearly laid out the issues in that lawsuit to Pawel that were reprised in Macri's written account of her conversations with Pawel, excerpts of which follow:

With respect to the court case, **I explained the limited nature of the first trial [to which Pawel refers in her story above]**. The question was whether [the former paid union representatives] could be kicked out for any reason or whether Cesar needed [to show] cause. I explained that a new case had just come out that changed the standard a little. If the rep was elected, he could only be removed for cause, which I said [to Pawel] was not a problem since there was cause...

[Pawel's account] is total bullshit and is contrary to what I told her. **If the judge would have ruled that Cesar had acted illegally, the reps would have been reinstated and the case would have ended. Instead, they were not reinstated and the court's ruling only allowed the plaintiffs an opportunity to try to show Cesar didn't have cause.** I am attaching a pleading that I found on my computer that shows that we were moving to compel answers to discovery in June 1989. **The case was dismissed in 1989, after the discovery was not answered.** The case name was Hermilo Mojica et all vs. UFW, Case No. C82 0512 WAI (CW). You can see from the pleading that I received a letter from Mojica on 6/1/89, informing me the plaintiffs would be unable to respond to any

of the papers they received or comply with the court's meet and confer because they were unable to find new attorneys to handle their case. The case was supposed to go to trial in April 1989, but was dismissed due to plaintiffs' failure later in 1989. In essence **what happened was their lawyers gave up after realizing they were not going to be able to prove their case. Bottom line: Cesar had cause to fire them, so plaintiffs would not have been able to prevail at trial. They would have had the burden to show Cesar did not have cause.**

\* \* \*

This analysis only covered the first three of Miriam Pawel's four-day series. The Farm Worker Movement opted not to discuss the fourth day's profile of Eliseo Medina.

\* \* \*

#### *Notes*

1. 17-page Dec. 29, 2005 letter to reporter Miriam Pawel from UFW President Arturo Rodriguez:

Miriam Pawel  
Los Angeles Times  
Times Mirror Square  
Los Angeles, CA 90015

Ms. Pawel:

We are very frustrated by your repeated refusal over many months to inform us about the focus of your story on the United Farm Workers and any specific charges and claims your stories will level against the UFW so we can more effectively respond. During my more than three decades with the UFW I have never met a reporter with whom we have spent so much time and dedicated so much effort. The extent to which we have cooperated with you and made ourselves available is unprecedented.

When we first began our conversations, I believed you were interested in researching and writing a balanced story on the union. We no longer have faith our side of the story will be adequately represented since you leave us guessing at the focus and thrust of your work. Our worst fears are that your coverage will include unfounded complaints or allegations with only vague responses because we do not know what we are responding to.

This letter is our best effort at a response to what we surmise may be your overarching theme. Based on the focus of your recent questions, our conjecture is you will contend the farm workers movement has somehow strayed from its

original mission of decades ago by reducing its commitment to organizing California farm workers.

An examination of the facts by an impartial observer will demonstrate nothing could be further from the truth. We have included in this writing citations for just a portion of the numerous recent Los Angeles Times stories that have chronicled the events we discuss.

## History

Forces outside its control have frequently dictated or influenced the UFW's agenda. Cesar Chavez didn't plan on leading his then independent, mostly Latino union out on strike against Delano grape growers in September 1965. After a mainly Filipino American union struck table and wine grape growers and asked for Cesar's support, he felt there was no choice and joined the picketlines.

The UFW didn't extend its boycott to all California table grapes until many growers loaned their labels to the boycotted Giumarra Vineyards Corp. in 1967, thus sparking the international grape boycott. The UFW struck lettuce and vegetable fields in the Salinas Valley and along the Central Coast in 1970 only after hundreds of growers signed "sweetheart" contracts with a competing labor organization with no opportunity for workers to voice their desires (producing the landmark 1972 California Supreme Court decision in *Englund v. Chavez.*)

Renewed strikes against table grape growers and Gallo winery began after the UFW's three-year contracts expired in 1973, and all but one employer turned the pacts over to a competing union with no representation process for the workers. Those strikes were transformed into boycotts of grapes, lettuce and Gallo wine that pressured growers into supporting enactment of the Agricultural Labor Relations Act in 1975.

After winning most of the elections in which we participated during the mid- and late 1970s and early '80s, the UFW signed new contracts and its membership grew. That progress ended in 1983, when Republican George Deukmejian became governor with \$1 million in campaign donations from the agricultural lobby and, most neutral observers will now admit, shut down enforcement of the farm labor law. As we have pointed out, although there were some legitimate disagreements on policy within the UFW during that period, nothing would have prevented the dismantling of enforcement of the law for 16 years under GOP Govs. Deukmejian and Pete Wilson during the 1980s and '90s.

Exactly how enforcement of the law effectively ceased, resulting in the tragic loss to many farm workers of their hard-won gains through UFW contracts, is meticulously illustrated in the two-inch thick binder of cases and other documentation we prepared specifically for your use and handed you during our

first meeting last April at La Paz. We have in the past offered to once again take you through the binder if you have any questions.

### Current organizing drive

Shortly after I took over as UFW president following Cesar's passing in 1993, planning began on a major new long-term field organizing and contract negotiating campaign. It was kicked off with a 343-mile march from Delano to Sacramento in March and April 1994, following the route of a historic trek Cesar led in 1966. (See "Pilgrimage to Mark Strategy Shift for UFW," by Mark Arax, Los Angeles Times, March 27, 1994.) Roughly 15,000 farm workers and supporters joined marchers on the final day in Sacramento. (See "UFW Pledges New Activism as March Ends. Labor: Cesar Chavez's successor urges a return to grass-roots organizing during a 'summer of freedom' to recoup the faltering farm union's successes," by Mark Arax, Los Angeles Times, April 25, 1994.)

The march kicked off a string of UFW election victories and successful campaigns to win union contracts. Since then, workers at 32 companies have voted for the union in secret ballot elections (27 conducted by the Agricultural Labor Relations Board, three by the National Labor Relations Board and two supervised by private parties).

An important measure of our efforts is the fact that UFW dues receipts went from \$734,696 in 1994, when the current campaign began, to \$2,077,320 in 2004, according to annual LM2 forms filed by the UFW with the U.S. Department of Labor. I know you have scrutinized these reports.

Another mark of our commitment to organizing is the fact the UFW during this same period has continued dedicating a sizeable percentage of its general fund resources to organizing and related expenses. Presently at 30 percent, it has during some years climbed to more than 50 percent. Remember, this is despite the fact the UFW transitioned since the late 1990s from an organization operated mostly by volunteers to a union with a paid staff, necessitating a dramatic increase in revenue for salaries and benefits.

Among our recent victories were election and/or contract campaigns covering roughly 1,900 workers at Coastal Berry Co., the nation's largest strawberry employer (700 in Ventura County and 1,200 in the Watsonville area); approximately 1,000 workers at Bear Creek Corp. (Jackson & Perkins), America's largest rose producer in Kern County; 350 workers at Gallo winery's far flung Sonoma County operations; about 300 workers at Warmerdam Packing Co. (now Excelsior Packing Co.), the largest tree fruit grower in Kings County; 600 workers at Monterey Mushroom, the nation's largest mushroom producer; 300 workers at Pictsweet Mushroom Farm (now California Mushroom Farm), concluding a difficult 17-year drive to re-negotiate their agreement; about 300 workers at Bruce Church Inc. in Salinas, ending 17 bitter years of boycotts and

legal battles; 350 workers at Florida's Quincy Farms, the largest mushroom producer in the U.S. Southeast; and 180 workers at Chateau St. Michele, the largest winery in Washington state.

This period witnessed a several-year battle to organize Central Coast strawberry workers that encountered intense industry resistance. It began with a 1995 election at VCNM Farms near Salinas. After workers voted overwhelmingly for the UFW, the company retaliated by plowing under a quarter of its strawberry crop. That act prompted a complaint against the company filed by the Republican-controlled ALRB. (See 21 ALRB No. 9 (1995) in the UFW-prepared binder we provided you.) The ALRB refused to act on other UFW-filed unfair labor practice charges after VCNM shut down operations at the end of that year as further retaliation for the workers choice at the ballot box.

Resistance from the state's \$1.1 billion-a-year strawberry industry was reflected in the formation of a succession of phony "worker committees" financed and supported by the industry. Opposition peaked on July 1, 1998, with anti-union foremen and supervisors at Coastal Berry staging a riot to halt the harvest in company fields near Watsonville. A large anti-union mob attacked pro-UFW pickers, injuring three workers and two responding law enforcement officers. The only person arrested during the melee, described by a law enforcement spokesman as the leader of the attack, was Jose Guadalupe Fernandez, head of the anti-UFW worker committee. (See extensive local television and print news coverage. Also see *UFW v. Dutra Farms*, 83 Cal.App.4<sup>th</sup> 1146 (2000) in the binder we supplied you, where based on uncontested facts the Sixth District Court of Appeals affirmed a trial court ruling that growers illegally funded one of these anti-UFW worker committees "for the purposes of influencing employees in the exercise of their rights to organize and bargain collectively through representatives." Also see "Records back UFW claims: Growers aided fight against union," *Santa Cruz Sentinel*, Nov. 10, 1998.)

Despite virulent opposition from every level of the industry, the UFW emerged with two union contracts, including Coastal Berry Co. (where we won an election after losing two previous votes), covering roughly 10 percent of the California strawberry work force.

Other highlights from recent years include a major 1998 strike by the majority of 1,000 D'Arrigo Bros. vegetable workers in the Salinas Valley. It was part of ongoing efforts to win a first-time union contract after workers voted to be represented by the UFW in a September 1975 election, one of the first held after the law took affect. We called off the walkouts following the tragic and unrelated death in an automobile accident of company executive David D'Arrigo, out of respect to his grieving family. (See extensive news coverage of the strike in Northern California daily newspapers.)

The Chateau St. Michelle winery and Quincy Farms mushroom contracts

were significant gains for the union outside California in the aftermath of regional and national boycotts and following non-government-sponsored elections. The Washington state balloting was overseen by a mutually agreed upon commission chaired by former U.S. House Speaker Tom Foley. Both events were covered in major newspapers, including the New York Times. (See “In an About-Face, Mushroom Farm Accepts Labor Union,” by Steven Greenhouse, New York Times, July 21, 1999, and “Bitter fight now a party at Quincy Farms: Workers at the mushroom company celebrate their long-sought union contract,” Tallahassee Democrat, July 21, 1999.)

Also of note were a series of rolling strikes organized by the UFW in the Washington state apple industry during 2000. Workers walked out company by company throughout the industry seeing long-overdue wage increases. The union won a \$1 per bin pay raise and convinced employers to sign one-page agreements pledging not to retaliate against workers and to address their health and safety concerns. (See news coverage in Washington state dailies. The Los Angeles Times also wrote two stories during that period: “Wash. Workers Seek to Reap More Fruit for Their Labors,” by Kim Murphy, Sept. 6, 2000, and “Teamsters and UFW Talks Could Yield Historic Alliance. Labor: But the effort to organize Washington apple pickers and packers would be haunted by bitter memories of unions’ fights in California,” by Stuart Silverstein, Feb. 21, 1996.)

Following is just a sampling of stories about recent UFW election and contract campaigns in the Los Angeles Times. I’m sure you can easily obtain a more complete run-down of the articles from your newspaper.

“Pilgrimage to Mark Strategy Shift for UFW,” by Mark Arax, March 27, 1994

“UFW pledges new activism as march ends,” by Mark Arax, April 25, 1994

“UFW Leading in Oxnard Election. Labor: At stake is right to negotiate on behalf of 600 produce workers. Balloting is the union’s first in the county in years,” by Fred Alvarez, May 19, 1994

“UFW Plans Protest at Dole Chief’s Office,” by Miguel Bustillo, June 23, 1994

“Union’s focus on fields starts to bare fruit,” by Mark Arax, July 18, 1994

“UFW Wins Recount of Workers’ Ballots,” by Miguel Bustillo, July 27, 1994

“UFW Steps Up Organizing Efforts in Area Labor: The drive is the most intensive activity in the county since 1990. The focus is on two firms in Oxnard and Moorpark,” Scott Hadly, Sept. 7, 1994

“UFW-Grower Pact Prevents Strike Labor: Tentative agreement between union and Muranaka Farms would lead to the first pay hike in four years for workers, by

Scott Hadly, Oct. 22, 1994

“With New Pact, Union Takes Big Step Back to Prominence. Labor: United Farm Workers concludes its eighth contract in a year, signing 1,400 flower workers,” by Michael Parrish, March 18, 1995

“UFW Members Picket Outside Produce Firm,” by Fred Alvarez, April 4, 1995

“Labor Dispute Sparks Protest at Dole Office,” July 14, 1995

“COLUMN ONE: The UFW GETS BACK TO ITS ROOTS: The late Cesar Chavez tried to build a social movement, but the union’s new president is staging a comeback and adding members,” by Mark Arax, Feb. 17, 1996

“UFW, Grower May End Long Dispute. Labor: After two-decade battle, Bruce Church Inc. and union reach tentative pact,” by Tony Perry, April 5, 1996

“AFL-CIO Targets Berry Growers for Union Push,” by Robert A. Rosenblatt, Nov. 14, 1996

“Ralphs Backs UFW on Bid for Reforms in Berry Fields,” by Stuart Silverstein, Dec. 20, 1996

“Strawberry Fields a Hard Row for UFW. Labor: The work is tough and low-paid, but grower opposition and worker fears impede organizers,” by Stuart Silverstein, April 12, 1997

“UFW Rallies to Organize Strawberry Workers,” April 14, 1997

“UFW Launches Organizing Drive in Ventura County,” by Daryl Kelley, May 15, 1997

“UFW Adds Irvine Growers Group to Lawsuit. Labor: Trade association’s meeting is picketed. Union’s dispute centers on alleged sham workers organizations,” by Barbara Marsh, July 30, 1998

“Labor Panel Voids Election That Favored UFW Rival. Farming: Board backs the union’s contention that a vote to organize Coastal Berry Co. workers is invalid,” by Fred Alvarez, May 8, 1999

“Judge Calls for 2 Separate Labor Units. Union: Ruling could mean that UFW, which lost statewide vote to rival group, could get to represent Ventura County pickers,” by Fred Alvarez, March 8, 2000

“UFW Seeks Pizza Hut’s Help in Labor Battle,” April 18, 2000

“Board Gives UFW a Victory in Oxnard. Agriculture: Labor panel decision awards union the right to represent more than 700 strawberry pickers,” by Gina Piccalo, May 5, 2000

“UFW Wins Contract With Gallo,” by James Rainey, Sept. 2, 2000

“Ralphs Stores Stop Orders From Mushroom Farm,” by Fred Alvarez, Sept. 27, 2000

“UFW Wins Key Election at Berry Firm. The union, which already represents workers at the Oxnard operation, will represent nearly 900 pickers in Watsonville,” by Fred Alvarez, Feb. 11, 2003

“Pictsweet Workers Win Contract. A new state law helps resolve the dispute at the Ventura mushroom farm, where crews had labored for 17 years without a union pact,” by Fred Alvarez, Feb. 18, 2004.

#### Historic binding mediation law

After eight years of organizing workers to win elections and negotiate or renegotiate union contracts under the new UFW campaign, we recognized the need to do something about fierce resistance from the agricultural industry, much of which never accepted the rights of farm workers under the 1975 Agricultural Labor Relations Act. Even after workers vote for the union in free elections, many growers refuse to negotiate union contracts.

Between 1975 (the year the law took effect) and 2001 (the year before the binding mediation law was passed), farm workers at 428 companies voted for the UFW in state-conducted secret-ballot elections. Yet only 185, or roughly 40 percent, of those growers signed union contracts. That represents a reversal of the national trend, where roughly 60 percent of employers sign union contracts after workers vote in elections. (All this is extensively covered in the binder we gave you. In particular, see the nine-page May 1, 2002 letter from ALRB Chairwoman Genevieve A. Shiroma to state Sen. Mike Machado explaining at length why the law’s principal remedy for bad-faith bargaining and other employer misconduct, the make-whole remedy, hasn’t worked.)

Achieving the first amendments to the Agricultural Labor Relations Act in its then-27-year history was not easy. The UFW navigated three bills through the state Legislature in summer 2002. To win Gov. Gray Davis’ approval, the union organized a difficult 10-day, 150-mile “March for the Governor’s Signature” from Merced to Sacramento during the heat of the Central Valley summer. But the UFW emerged victorious with what has been hailed around the country as historic legislation imposing private-sector binding mediation when the parties cannot reach agreement. That law already has prompted several growers to conclude union contracts, the most prominent of which was Pictsweet Mushroom

Farm after farm workers at the Ventura County plant tried unsuccessfully for 17 years to renegotiate their agreement. As you know, further implementation of the law has been put on hold while the agricultural lobby challenges it in state appellate court.

The Los Angeles Times closely followed the events of 2002. Just a few of its stories follow.

“CAPITOL JOURNAL. Farm Workers March to the Capitol, but Davis’ Steps Will Come Later,” by George Skelton, Aug. 26, 2002

“History Echoes as Farm Workers Rally for Bill. Labor: Bid to establish binding arbitration puts pressure on Davis, a UFW ally in ’75 triumph,” by Gregg Jones, Aug. 26, 2002

“A Big Win for Farm Workers. Agriculture: Davis Signs two bills mandating mediation in disputes,” by Gregg Jones, Oct. 1, 2002

“UFW Used Brinkmanship to Win 2 Laws. Labor: The union’s legislative team cornered Gov. Davis into signing mediation bills,” by Gregg Jones, Oct. 3, 2002

“Pictsweet Workers Win Contract. A new state law helps resolve the dispute at the Ventura mushroom farm, where crews had labored for 17 years without a union pact,” by Fred Alvarez, Feb. 18, 2004.

#### Fighting to keep what we have

Too often our union’s history has been the story of taking two steps forward and one step back. A key point often ignored by observers is the fact that because of continuing employer resistance to workers’ rights, the UFW is frequently forced to fight just to keep the ground we have already won. This diverts attention away from organizing new workers.

Historical examples include 1973, when we lost virtually all the table grape contracts the union spent five years winning for workers during the 1960s after growers handed the workers’ UFW contracts over to a competing labor organization. There was also the 16 years under two Republican governors in the 1980s and ’90s, when the union lost most of the contracts we won following passage of the 1975 farm labor law after George Deukmejian and Pete Wilson’s political appointees shut down enforcement of the law.

More recent examples are the 17-year organizing campaign and boycott to win a new contract with Pictsweet Mushroom Farm in Ventura; Excelsior Packing Co. (formerly Warmerdam Packing Co.) in Kings County, where we weathered a company-orchestrated drive to decertify the union; and the battle to renew our contract with the Gallo winery in Sonoma County.

Although we succeeded in all three instances, victory came after a sizeable commitment of energy, time and scarce union resources. As you know, the agreement with Gallo followed a 22-month legal and contract campaign and a three-month boycott that for us were very expensive endeavors. There were other cases where the union was decertified solely through illegal company-sponsored and assisted involvement, but we simply didn't have the resources to pursue them.

Also part of the phenomenon of taking two steps forward and one step back are the companies where we have organized or won union contracts that have gone out of business through no fault of the workers or the UFW. Since the mid-1990s, 24 companies where workers enjoyed the protections of UFW contracts ceased operations. They employed a total of 3,784 workers.

Five growers where workers voted for the union, employing another 1,182 workers, also shut down. They include VCNM Farms near Salinas, where the ALRB under Gov. Wilson in 1995 refused to prosecute the strawberry producer over shutting down in retaliation for its workers choosing the union.

Altogether, 29 employers—24 of them with UFW contracts—have gone out of business since 1994. They employed a total of nearly 5,000 workers.

Miriam, on Dec. 1, you told Marc Grossman, "I've asked some basic questions you guys won't answer. Like how many members and contracts you have." I checked the transcript of our Oct. 24 interview during which you asked how many contracts we have. I want to make sure my answer is clear. We often operate in a very hostile environment. Certain employers under UFW contract worry about peer pressure from colleagues in the industry if it becomes known they have contracts with the union. For that reason we don't give out a list of our contracts, even to the ALRB.

Following are only a few relevant stories on the Gallo fight in the Los Angeles Times:

"Probe Delays vote Count on Gallo Workers' UFW Petition," by Lee Romney, March 14, 2003

"Labor Complaint Filed Against Gallo Winery," by Lee Romney, April 16, 2003

"Farm Union at Gallo Unit Wins Ruling. A state labor panel voids a decertification of the UFW," by Marc Lifsher and Jerry Hirsch, Nov. 6, 2004

UFW Plans Wine Boycott in Effort to Pressure Gallo," by Miriam Pawel, June 13, 2005

“Gallo, Farm Union in Pact,” by Jerry Hirsch, Sept. 14, 2005.

### Summer of organizing

This past summer was an exciting time of activism and growth for the UFW. It began in 2004 with a new drive to organize workers in the Central Valley’s huge table grape industry. (Along with strawberries, the table grape industry is one of the most labor-intensive, employing large numbers of farm workers.)

Table grape workers had not had an industry-wide wage increase—except for hikes in the state minimum wage—since 1992, when Cesar Chavez and I led a series of large-scale vineyard walkouts. When our drive began, most workers were earning \$6.75 an hour, the state minimum wage, with few if any benefits and very harsh conditions and treatment.

Directly as a result of activism and demands by the workers, most companies granted modest pay increases, of between 15¢ and 25¢ per hour during the harvest season.

Then the Central Valley was hit by a spate of heat-related farm worker deaths, including two during a one-year period in the fields of Giumarra Vineyards Corp., the nation’s largest table grape producer. The deaths gave rise to worker anger and resentment over a host of long-simmering grievances that were outlined in Mark Arax’s Aug. 31, 2005 Times story.

Within a matter of months, we went from nowhere to more than 2,000 Giumarra workers signing authorization cards saying they wanted to join the UFW (out of a work force of a more than 2,500). In the days before the Sept. 1, 2005 election held across a huge swath of Kern and Tulare counties, the union went from 2,000 workers signing UFW authorization cards to more than 1,100 voting for the union, just short of half. Formal legal objections to the election filed by the UFW cited Giumarra workers being threatened by the employer with loss of company housing, conversion of operations from table to wine grape with significant job losses, termination because of immigration status and much more if they supported the UFW.

In November, the Agricultural Labor Relations Board ruled the UFW established a prima facie case that misconduct by Giumarra tainted the election among its table grape workers. The ALRB ordered a February 2006 hearing to investigate eight objections to the election filed by the union.

If blatant bullying and terrorism from the Giumarras had not tainted the election, the union would have won a lopsided victory. We expect the state to invalidate the election and look forward to winning another election at Giumarra.

Workers at Giumarra and other companies did help change government policy by winning the first state standard in the nation to prevent further heat deaths and illnesses in the fields. Since the death of Giumarra grape picker Asuncion Valdivia in July 2004, the UFW mounted a major campaign to organize farm workers and public opinion around ending these needless tragedies.

The UFW sponsored AB 805 and pushed to get Assemblymember Judy Chu's bill out of the Assembly and to the state Senate, where its Senate "jockey," Dean Florez, was poised to move it to the governor's desk. Then, as the death toll mounted, we called on Gov. Schwarzenegger for an emergency regulation so farm workers could be protected during the 2005 summer harvest season. (AB 805 would not have offered protections for workers until Jan. 1, 2006.)

The governor acted where three previous governors had not and the emergency regulation was issued in August. It was re-adopted in December while Cal-OSHA works on a permanent rule.

Relevant Los Angeles Times articles on the farm worker heat deaths and Giumarra include the following.

"Bitter Taste in the Grape Fields: Farm worker says his father, 53, didn't have to die of heatstroke," by Mark Arax, Aug. 30, 2004

"Deaths Rally Farm Laborers. Three men have died after working in the recent intense heat of the Central Valley, sparking a demand for more safeguards," by Mark Arax, July 28, 2005

"Gov. Orders Shade, Water for Workers Sickened by Heat," by Nancy Vogel and Robert Saladay, Aug. 3, 2005

"UFW Thinks Climate Is Right to Grow Its Ranks," by Mark Arax, Aug. 31, 2005

"Vineyard's Workers Appear to Reject Joining UFW," by Miriam Pawel and Mark Arax, Sept. 2, 2005; "UFW Alleges Grower Threatened Pickers Before Vote," Sept. 13, 2005

#### Other organizing and legislative initiatives

Limitations of time and space do not permit a more complete listing of all UFW organizing and legislative initiatives in recent times.

The union has organized the majority of workers at Threemile Canyon Farms, a mammoth dairy and potato operation employing roughly 300 workers in rural eastern Oregon. Workers' grievances cover a wide gamut, from blatant sexual discrimination against women and retaliation for union activism to serious health and safety threats. We have marshaled widespread public support for an

end to these abuses and for the company to recognize and bargain with the UFW from some of Threemile's largest customers and state and national religious groups, including the National Council of Churches.

Of course, a hallmark of the UFW's legislative and organizing agenda since 1999 has been the historic AgJobs bill jointly negotiated over a three-year period by the UFW and the nation's agricultural industry. It would allow undocumented farm workers in this country now to earn the right to stay here permanently by continuing to work in agriculture. No other issue resonates more with the great majority of the California farm labor work force that is now undocumented.

By working with our natural allies and the growers in Washington, D.C., more than 500 organizations have endorsed AgJobs, including labor, business, religious and civil and immigrant rights groups. Last April, AgJobs became the first major immigration reform proposal in nearly 20 years to win majority support from one house of Congress when it garnered 53 votes on the U.S. Senate floor. It remains a practical and viable solution to a broken immigration system. The Los Angeles Times has editorialized for AgJobs. (Also see "Immigration Measure Blocked. A proposal to hold out legal status to 500,000 farm workers fails to advance in the Senate," by Mary Curtius, Los Angeles Times, April 20, 2005, and "Fair Deal for Farm Workers," July 28, 2001.)

Other successful UFW legislative initiatives include a 1999 law requiring seat belts and other basic safety measures for farm labor vehicles (see "'This Tragedy Happened Because of Greed.' Farm workers: UFW's founder spoke to the same issues 25 years ago as were raised by a recent van accident that killed 13," commentary by Cesar Chavez, Los Angeles Times, Aug. 27, 1999); two 2001 state laws beefing up penalties and providing additional remedies for farm workers cheated out of their pay by unscrupulous farm labor contractors; the 2002 binding mediation law; SB 391, a new law in 2004 by Sen. Florez providing relief for rural residents, including many farm workers, poisoned when pesticides "drift" from nearby fields; joining with California Rural Legal Assistance Foundation in winning abolition in December 2004 of most forms of hand weeding through a regulation issued by the administration; and the 2005 emergency regulation to prevent heat illnesses and deaths.

There was also a 2003 state measure that nearly made it out of the Legislature repealing the "tractor tax" and converting it into a tax credit for employers supplying genuine health benefits to their farm workers. (See "UFW Seeks Improved Health Care," by Gregg Jones, Los Angeles Times, April 21, 2003.)

### The future

Some of our critics are frustrated because they believe our influence and reputation far surpasses the size of our organization.

Since its earliest days, the UFW's strength has never been measured solely by the number of members we have under union contract. Cesar Chavez said it best in his 1984 address to the Commonwealth Club:

The UFW was the beginning! We attacked that historical source of shame and infamy that our people in this country lived with...By addressing this historical problem, we created confidence and pride and hope in an entire people's ability to create the future.

The UFW's survival, its existence, was not in doubt in my mind when the time began to come, after the union became visible, when Chicanos started entering college in greater numbers, when Hispanics began running for public office in greater numbers—when our people started asserting their rights on a broad range of issues and in many communities across the country.

The union's survival, its very existence, sent out a signal to all Hispanics that we were fighting for our dignity, that we were challenging and overcoming injustice, that we were empowering the least educated among us, the poorest among us. The message was clear: If it could happen in the fields, it could happen anywhere—in the cities, in the courts, in the city councils, in the state legislatures.

Progressive and civil rights activists across America and in other nations have adopted the black eagle and UFW slogans such as “¡Si Se Puede!” as our movement has offered hope and inspiration to millions of people who never worked on a farm.

The UFW's impact on the agricultural industry has also transcended unionized workers directly benefiting from collective bargaining. Whenever the union is active in an area, many workers at non-union companies benefit from better pay and some improvements in benefits and treatment from growers attempting to avoid handing the UFW organizing opportunities. We often win wage increases and some benefit improvements unconventionally. It's not through union contracts, but it's a direct result of the union's efforts. Recent examples include pay hikes and other improvements in the Central Coast strawberry industry in the wake of our 1990s organizing and the wage increases table grape workers won at most companies last summer in the Central Valley.

We definitely continue to focus on winning wage and benefit improvements through union contracts. But because of the adversity we face from a powerful industry and the limited resources with which we have always had to make due, the UFW has throughout its history advocated or created the momentum for change on behalf of many more workers than are affected by union contracts.

Examples include covering farm workers under workers compensation and unemployment insurance, and the central role UFW co-founder Dolores Huerta played in creating the amnesty provisions of the 1986 federal immigration reform law. We are proud of our achievements from the last five years (see listing above).

Finally, our mission, our goal, our vision for the future is representing significant numbers of workers in the food industry so as to elevate their standards of living and improve their lives while maintaining a viable domestic food industry.

We will continue allying ourselves with consumers to ensure the men and women who sacrifice to feed this nation are respected and provided the dignity they deserve. Plans are underway to launch ambitious campaigns to achieve those goals.

A major factor in our decision to join the Change to Win Federation last summer was the firm commitment by its affiliated unions to dedicate greater resources to organizing. Over the next decade we plan on investing between 40 and 50 percent of our resources to organizing.

Have we been as successful as we would like? No. Are we satisfied with the progress we have made? No. But there are many men and women in the UFW who have dedicated their lives and continue to spend every day working hard to advance this great cause.

!Si Se Puede!

Arturo S. Rodriguez  
President

Enclosures

Copies of email responses to the follow-up questions you have forwarded and other comments.

Copies of statements from Oaxacan farm workers in California about their experiences with the UFW.

cc: Dean Baquet, Editor  
Los Angeles Times  
Janet Clayton, Assistant Managing Editor  
Los Angeles Times

\* \* \*

December 29, 2005

Miriam Pawel  
Los Angeles Times  
202 West First Street  
Los Angeles, CA 90012

Miriam:

After many requests to do so, you still won't share the particular allegations or assertions you will make against the farm workers movement to which I and so many others have dedicated our lives. Left to guess at what the Times will publish leaves us with grave doubts about the balance and fairness of your coverage.

The following then is our attempt to respond to some of the central points we think you may make.

### **Roots of the movement, focus on farm workers**

The work of the National Farm Workers Service Center and related entities really gets back to the roots of Cesar Chavez's vision for a movement dedicated to helping people. He was convinced because farm workers are poor, mostly minority, mainly non-English speaking and burdened with a history of generations of discrimination, the movement could not just address their problems at the work place. So in addition to a strong union for farm workers representing people where they labor, it had to encompass more by expanding into the communities where they live. That gave rise to the formation of the service center in the 1960s, with encouragement from Sen. Robert F. Kennedy and labor leader Walter Reuther. That tradition continues to this day with the growing work of the movement at all levels.

Farm workers are the chief focus of most movement entities and are still a very important part of the service center's work.

### **Service center's work with farm workers**

Historically we worked with farm workers. But this is not the same world my father encountered when he began organizing the movement in the early 1960s. In many areas, families have left agriculture but still live and work in the community and still need affordable housing. Beyond that there is the

tremendous explosion of Latinos across the nation in desperate need of affordable housing. Those factors convinced us to expand our mission beyond farm workers. Our current mission extends to farm workers, Latinos and working families.

The following briefly highlights the service center's work with farm workers.

*Affordable housing:* Our housing programs began in the Central Valley, between Bakersfield and Fresno, the biggest concentration of farm workers in America. Multiple housing projects have been completed in Fresno, Parlier and Delano as well as a residential complex amid the citrus belt in the Tulare County town of Porterville. We have finished projects in farm worker communities elsewhere in California, in Hollister and Gilroy, where farm workers' need for affordable housing is even more acute because of the rising costs of housing from increased urbanization.

We also built an affordable housing project in El Mirage, Arizona, a farm worker community that in recent years has been transformed by urbanization.

Last year we dedicated two affordable housing projects: Hacienda Manual Chavez in the farm worker community of Summerton, Arizona in the Yuma Valley. The other project is in the historically farm worker community of Pharr, Texas, located in the Rio Grande Valley, home to a migrant stream that travels north through the Midwest, among other places.

Now under development are four projects in the southern San Joaquin Valley. Two are under construction in Bakersfield: a multi-family rental site and a homeownership single family housing development. Both are located in East Bakersfield, a farm worker community. Our third development is in the farm worker community of Shafter in Kern County. After a couple of years of wrangling with the city council, we hope to break ground during the second quarter of 2006 for this multi-family rental project. The fourth community is in Mercedes, Texas, also in the Rio Grande Valley.

Why we don't do more farm worker projects is a question you raised with Emilio Huerta. We do plenty. But beyond that, here is why it is so difficult.

- Because the tenants we are targeting have such low incomes, our projects requires complex and multiple layers of financing, both private and public, to make them financially viable.
- The poor farm worker communities in which we work tend not to have resources at hand to promote affordable housing. Many don't even have basic infrastructure to support additional residential construction. We also frequently

confront those who resist new housing development because they see it as a threat to preservation of farmland.

- The cost of land is skyrocketing throughout California and the west, even in rural communities. In the Central Valley, the cost of land mushroomed over the last decade as residents fled Southern California and Bay Area urban areas for more affordable housing inland.

- It is becoming increasingly expensive to build. A recently passed state law requires prevailing wage rates on any state-supported affordable housing project. We go beyond that and actively solicit union labor. The service center is prepared to pay more out of principle. Where we are able to use union contractors, it means even higher labor costs.

- In California there is also a lot more competition among non- and for-profit developers for shrinking affordable housing subsidies.

*Educational radio:* Radio Campesina is dedicated to serving the needs of farm workers and recent immigrants with educational programming. Out of nine Radio Campesina stations, the following stations serve heavily farm worker communities: the Lower Columbia River Basin in the heart of the apple growing region in Washington state; the Salinas Valley-Monterey County area in what is the heart of Central Coast vegetable production during the spring, summer and fall; the Yuma, Arizona station covering farm worker communities in what is the center of the winter vegetable season; and Central Valley stations in Fresno, Visalia and Bakersfield covering the largest concentration of farm workers in the country.

There is also a station in Parker, Arizona, with plans to improve coverage in Palo Verde Valley farm worker communities centered around Blythe, California.

The Phoenix station at one time covered sizeable farm worker communities in Chandler and El Mirage, where the UFW operated field offices. With spreading urbanization and changing demographics, there are much fewer farm workers there now. However, the Phoenix station still reaches farm workers in communities such as Aguila and Queen Creek, Arizona.

Most of these Radio Campesina stations rank either No. 1 or No. 2 in their markets and are very popular among farm workers.

After two years of research and program development, the service center's major new initiative is a recently launched program to improve the dismal educational performance of farm worker children and Latino kids in urban areas. The farm worker component is targeting the west San Joaquin Valley community of Corcoran in Kings County. The student body there is

overwhelmingly farm worker. Plans are also being made to launch the program in Delano, the heart of the state's table grape growing region.

More broadly, Miriam, the movement continues to concentrate on farm workers as well as expanding its reach into the broader Latino community. The United Farm Workers continues to focus on organizing farm workers and other food-related workers. The Cesar E. Chavez Foundation's mission is to educate the larger population about my father's life and vision, with a major effort to have young people from farm worker families in the Central Valley—from elementary school through college—draw inspiration by visiting the National Chavez Center at La Paz. LUPE is focusing community-based organizing in farm worker communities in the lower Rio Grande Valley of South Texas as well as farm worker communities in the Salinas and Central valleys. The National Farm Workers Service Center continues to focus on building affordable housing in Central Valley farm worker communities and educational radio programming mostly for farm workers in three states plus educational programs for farm worker and Latino students in Corcoran and Delano. FIELD concentrates on helping farm workers improve their job skills as well as running English-language classes for farm workers in Kern, Tulare, Ventura and Monterey counties.

### **What was behind sale of the Fresno property?**

You have repeatedly asked others and me about sale of the Fresno land. But you never asked why we sold the land. And you never asked why we were anxious to sell the property so quickly. You asked Emilio Huerta why the service center didn't hold onto the land and sell it for more money later.

The answers are simple: In an effort to expand, we were looking for ways to reach out to more farm workers and recent immigrants on the radio side of service center operations. "Federal Communications Commission Auction 37 FM Broadcast Licenses" was the FCC's auction of radio licenses for the country in 2004. From a July 22, 2004 seminar laying out rules for the auction, we learned money would have to be produced very quickly in order to bid and win licenses.

By early August 2004, we had to apply for the licenses. By Sept. 24, 2004, up front payments to the FCC were required to participate in the bidding. What you had to pay depended on the number of credits you wished to acquire for bidding purposes. Bidding was to begin on Nov. 3, 2004.

Winning bidders had to produce cash representing 20 percent of the total bid within 10 days of winning. Upon the FCC announcing it was prepared to award construction permits, the remaining 80 percent was owed within 10 days.

We believed we needed to come up with the full payment within a very short period of time. We figured the auction would occur in November and we needed to have all the money available by the end of the year if we were to be

successful. (Please see the attached portion of the FCC public notice laying out the financial requirements and timing for participating in the bidding. Also see the attached Sept. 23, 2004 "Wire Instructions" for transferring \$82,500 representing up-front payments to the FCC necessary for the service center to participate in the auction.)

The \$1.8 million purchase price of the Fresno property reflected a substantial return on our initial investment of \$264,332. Landmark's bid was not only \$200,000 more than the agreed upon sales price of the earlier buyer that subsequently failed to meet the terms of the purchase agreement but, more important, it was a cash deal with a very short 45-day escrow period.

Still, you asked Emilio Huerta if the service center could have made more money by holding on to the property and selling it later. Yes, but then we would not have had the ability to participate in Auction 37 and bid on acquiring more radio stations to increase our coverage for farm workers and other Latinos. One of the licenses we bid on was for Coursegold, a frequency in the Sierra foothills east of Madera, which would have enabled Radio Campesina to reach farm workers from Fresno to Merced. Acquiring that license would have given us blanket coverage over the largest concentration of farm workers in the United States, from the Ridge Route at the southern tip of the San Joaquin Valley all the way to Merced. Unfortunately, we lost out on the bidding. Coursegold sold for \$2,376,000.

### **State audits on National Chavez Center construction**

Finally, in questioning others and me you have implied there were improprieties of some sort around construction of the National Chavez Center at La Paz and how state grant funds were handled through the Chavez foundation, service center, Stonybrook Corp. and Encinas Corp. Enclosed are copies of two audit reports issued by the state Department of Parks and Recreation and sent to the Chavez foundation for the first set of state funds totaling about \$2.5 million that came to the foundation. (The first was just under \$2 million. The second was \$600,000.) Marc Grossman forwarded these audit reports you on Oct. 14, 2005.

Both reports indicate that after a thorough audit, no questionable issues were found and the Chavez foundation was congratulated by the state on the successful completion of its work as directed under the grant requirements.

¡Viva la Causa!

Paul F. Chavez  
President

## Enclosures

1. Federal Communications Commission public notice laying out the financial requirements and timing for participating in 2004 bidding for radio licenses in the United States as well as the "Wire Instructions" for up-front payment of \$82,500 from the service center to the FCC in order to bid in the radio license auction.
2. Audit reports from the California Department of Parks and Recreation involving the National Chavez Center.
3. Copies of previous responses to your questions concerning the National Farm Workers Service Center Inc.