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How The Legacy of Cesar Chavez Continues to Impact the Lives of Farm Workers through the National Farm Workers Service Center

Emilio Huerta†

I am a relative newcomer to housing. Since September of 1994, I've been working as general counsel for the National Farm Workers Service Center, Inc. Many of us are aware of and have heard of the United Farm Workers of America, AFL-CIO, and how the UFW came about to address the terrible working conditions of farm workers. In 1965 when Cesar Chavez started the UFW, he soon realized there was a pressing need to address other social ills not directly related to the agricultural industry, such as health, housing and the receipt of public benefits. Cesar, along with my mother Dolores Huerta, Robert F. Kennedy, and Walter Reuther, President of the United Auto Workers, began the National Farm Workers Service Center. The present Service Center staff and myself are very proud to be a part of that history and to be associated with such historical figures.

When the UFW had 40 offices throughout California and Arizona in the late 60's and early 70's, the role of the service center was to help people obtain social and public benefits and to provide interpreting skills. As the UFW grew and the demands placed upon the UFW by farm workers also increased, the role of the Service Center was transformed into building migrant health clinics and vocational training for farm workers. The vocational training was a way of showing workers that there were alternatives to farm work and that if they applied themselves, they would be able to get out of the fields and be able to do other things with their lives. The Service Center wanted to show Mexicano farm workers that they weren't just disposable farm implements as the growers had led them to believe that they were.

† Emilio Huerta is General Counsel for the National Farm Workers Service Center, Inc., and the fourth child of Dolores C. Huerta, civil rights activist and co-founder of the United Farm Workers of America, AFL-CIO. As a child growing up in the farm workers' movement, Emilio and his ten brothers and sisters lived in numerous rural towns where his mother, along with Cesar Chavez, was organizing a national union for farm workers. After dropping out of high school to work as a full-time volunteer for the UFW, in 1977 Emilio was trained by Fred Ross and Cesar Chavez at the Fred W. Ross School of Collective Bargaining. After representing the UFW at the bargaining table and prosecuting unfair labor practice complaints on behalf of farm workers before the Agricultural Labor Relations Board, in 1980 Mr. Huerta elected to resume his education. He attended California State College Bakersfield and Santa Clara University School of Law. Mr. Huerta also serves as General Counsel for the Cesar E. Chavez Foundation.
In the 1980's, the Service Center went through another transformation. Cesar and Dolores decided that the Service Center should be more directly involved in farm worker issues. They decided to rid the Service Center of all the other programs that it had been involved in and concentrate in two areas. One was affordable housing and the other was radio communications. Let me just talk about the radio for a little bit because it is pretty significant. In 1982, the Service Center was able to establish the first radio station totally devoted to farm workers and farm worker issues. Today we are on the verge of purchasing our sixth station. We currently have stations in the San Joaquin Valley communities of Visalia and Bakersfield and in Arizona's Valley of the Sun. It becomes extremely significant when one realize that many of the laws in the States of California and Arizona—those affecting farm workers’ right to organize—have come about because of the need to have access to farm workers. Traditional farm worker housing, such as labor camps, are located in rural areas. When workers sign-up for work with a grower or a labor contractor, their addresses are listed as a post office box, which more often than not is the business address of the labor contractor. When union or community organizers are able to locate workers and go to visit them at the labor camps, they are met with resistance by growers or their supervisors, often with shot-guns. So the idea of the radio station came about. Currently under the Agricultural Labor Relations Act when union organizers want to talk to farm workers, the law limits one organizer for every 15 workers.1 Organizers are then limited to remaining on the employer’s property for 15 minutes. When you realize that in that same 15 minute period, an organizer can communicate with 50,000 people as compared to 15, then you can see the potential of the radio. The UFW and the Service Center have been able to use the tool of the radio to communicate and inform workers about their rights in the workplace, their rights to decent housing, their rights to government benefits and about other critical issues confronting their lives. When there was a catastrophic citrus freeze throughout the Central San Joaquin Valley in 1992 which displaced thousands of farm workers, we were able to tell workers how to go about applying for unemployment benefits. In short the Service Center’s radio stations have complemented our work in housing.

With respect to housing, the National Farm Workers Service Center is unique in the sense that as a non-profit the Service Center is attempting to apply the concept of affordable housing on a national level. The development of farm worker housing is not a new concept and certainly not new to the Service Center. There have been plenty of other non-profits who have been able to establish their own farm worker communities and who have successfully developed their own housing. Most of these

1. CAL. LAB. CODE § 1140, et. seq.
developments and non-profits are locally based. What the Service Center has been able to do is develop an architectural and financial model so that each development is financially self-supporting and architecturally pleasing to they eye. The Service Center has taken this same model and is going to be able to develop housing throughout the Central San Joaquin Valley. The Service Center has a housing development on the board right now for Hollister in San Benito County and we are also going into such states as Arizona, New Mexico and Washington.\(^2\) Because of our asset portfolio, the Service Center is one of the few non-profits that has a housing resume which serves to prove to corporate lenders and developers that we can successfully put a housing plan together, bring the necessary financing to the table and see the development from beginning to end. We are now seeing that major financial institutions such as Bank of America, Wells Fargo Bank, First Interstate, the California Equity Fund and many others are willing to do business with the Service Center because we have an established track record.

One thing that has not been mentioned is that the farm worker population is the largest segment of working homeless in our society. Thousands of farm workers who follow the migrant seasonal path live in orchards under orange and olive trees. Whole families live in cars and bathe in ditches contaminated with pesticides. These are the people that the Service Center is attempting to serve. We are trying to put these people into housing at all costs and the ideal of affordable housing doesn’t necessarily mean that this housing has to be cheap. Yesterday some people mentioned that early farm worker housing they developed was basically a tin roof and four walls. We, as farm workers, are trying to get rid of the stigmatism and characterization that farm worker housing has to resemble cheap camp style housing—it doesn’t. The model developed by the Service Center is compatible with market rate housing. When you look at one of our developments, you will not see any difference from what you would see in the mid or upper-market priced developments. We are constantly striving to convince the communities where the Service Center is present, that just because we are farm workers or that there are low or very-low income people living in this housing, that this does not mean that they have to be placed in shacks where there is no hot running water or the bathroom facilities are located outside.

The biggest problem that I’ve seen as General Counsel for the Service Center during the last several months is racism. I always knew in my mind that farm worker housing or housing issues in general were fundamentally issues involving one’s civil rights. I knew that racism was an issue, but not

\(^2\) In 1997, the National Farm Workers Service Center will own and manage over 2,500 affordable housing units at 18 different locations.
to the degree in which we've confronted racism the past few months. Service Center was planning a development in Merced, California. The day that we were supposed to sign the contract the seller found out that we were associated with Cesar Chavez and the UFW and withdrew his offer to sell us the property. This was after negotiating the deal for two months. We had another development in Hanford, California. There the city council, after being advised that a low-income housing development was going to be built, decided that they wanted an extensive environmental impact report which was cost prohibitive. At that point in the development, the city had the right to request such a report, but in the context in which they were asking for it and the pretext for why they needed it were all designed to stop the development. In Tulare, California, the city enacted a moratorium to prohibit any development or construction of low-income affordable housing.

In 1990 the Service Center purchased a prime piece of real estate in Fresno County where we had planned to build 40 single family entry level homes for farm workers. During this time we had a for profit entity under our non-profit structure which we called American Liberty. We created American Liberty because we knew we would occasionally confront this problem of racism. Our corporate symbol was the Statue of Liberty. So American Liberty signed the agreement to purchase the property. Well the seller was a grape grower who hated the UFW and when he found out that we were the farm workers, he decided to withdraw from the agreement. The problem with this was that he had already signed the contract and escrow was ready to close. The Service Center was involved in a three year litigation battle to get the grower to deliver the property to us. The Service Center prevailed because the grower had no defenses, but it really set back the project. In 1992 when we were ready to build these homes, we had the money and every thing was set to move forward. After the litigation was over in 1995, it was a different story, we had committed our finances to another development. Although we prevailed in court, we were unable to build quality homes for 40 families. The irony of all this is that in these same communities which oppose the Service Center, there is a tremendous shortage of affordable housing.

Ilene Jacobs of the California Rural Legal Assistance described how it often takes two or three lawsuits to get an affordable housing development off the ground. That is exactly what happened to Service Center in its Fruit & Ashlan development. In 1994 the Service Center purchased eight acres where to the north of the property there is a barn, to the east railroad tracks, and to the south horse stables. The Fruit & Ashlan property is located in an older residential area of Fresno known as Fig Garden. The Service Center decided that we did not want to build farm worker housing on the outskirts of town. Rather, we wanted to integrate farm worker families with the heart of Fresno where there are better schools and better access to shopping and
other facilities. The local residents and members of the Fig Garden Association decided that they did not want a multi-family apartment complex to be built “in their community” because it was going to house farm workers. This was true, we did want farm workers to live there. That’s when they organized an opposition group known as the Quigley Area Association which initially convinced the Fresno City Council to rescind Service Center’s zoning to build a multi-family complex. In response, Service Center filed a federal law suit against the City of Fresno alleging that the City of Fresno and the Fresno City Council violated California’s Housing Element law3 and the Federal Fair Housing Act.4 After filing our lawsuit, the City Council backed down and voted to keep Service Center’s zoning in place.

After the Service Center was about a week away from breaking ground, the Quigley Area Association filed for injunctive relief and for a writ of mandate in Fresno County Superior Court challenging a Fresno City Ordinance which permitted the Fresno City Planning Director to authorize the Service Center to build a 150 unit 404 bedroom development. After the Service Center had received approval from the city for a site plan calling for a 150 unit 300 bedroom complex, Service Center submitted an amended site plan providing 150 units and 404 bedrooms. There was no municipal ordinance regulating the number of bedrooms. In fact, the Fresno Municipal Code5 defined “population density” as the number of dwelling units on a particular site, not the number of bedrooms. An ordinance regulating the number of bedrooms in a dwelling would be a slap in the face to larger minority families who would be denied the right to live wherever they chose to.

Quigley asserted that this change in the site plan resulting in an increase in bedrooms was so significant that Quigley was entitled to notice and an opportunity to be heard regarding such change. In support of this assertion, Quigley cited Horn v. County of Ventura6 arguing that the planning director’s approval of Service Center’s amended site plan involved an act which was not simply “ministerial,” but rather an act which involved the exercise of judgment, indicative of the adjudicative process and therefore requiring notice to affected neighbors. The Quigley group had numerous opportunities to be heard and in fact voiced their opposition to the Fruit & Ashlan development before the city council on four separate occasions. In rejecting Quigley’s arguments and denying their request for injunctive relief,

3. CAL. GOV’T CODE § 65580, et seq.
5. FRESNO, CAL., MUNICIPAL CODE § 12-105-P.
the Fresno County Superior Court ruled that there was no reported California decision that required the City of Fresno to provide notice in connection with site plan reviews. A site plan by definition and application does not change the designated use which is otherwise appropriate within the existing zoning of a particular site.

Even though the Service Center eventually prevailed in its defense of the Fruit & Ashlan development, the simple act of filing or threatening to file a lawsuit by a NIMBY group often means the death of a project. If there is a potential threat of litigation, major financial institutions are reluctant to commit construction or permanent financing to ensure the success of the project. They prefer to take a wait-and-see approach and ask non-profit developers to give them a call once all potential litigation threats are eliminated.

The other area that is becoming a tool for NIMBY groups is the environment. Environmental laws were created to protect the environment. Many people belonging to these groups have never given a darn about the environment. Not once did they ever complain about the thousands of tons of pesticides being poured into farm worker communities or asked why are so many children dying of cancer in small rural towns like McFarland and Fowler. All of a sudden they complain that if you build a farm worker development in the middle of a safe and desirable community, it will tax city services, it will create too much pollution, and farm workers and other poor people living in our neighborhood will create an environmental hazard. They never complain about other housing or industrial developments being constructed in other parts of town. This gives an example of the kind of resistance that the Service Center confronts in attempting to put our housing developments together.

Fortunately, all is not lost. Considering the size of Service Center’s asset portfolio, the Service Center is able to successfully challenge these NIMBY groups and successfully construct decent affordable housing in rural farm worker communities. I wish you could see some of Service Center’s developments because I am certain that you would be genuinely impressed. The greatest single achievement or sense of satisfaction that one gets in seeing Service Center’s housing developments is witnessing children in Service Center’s playgrounds, not having to play in the streets or having to worry about traffic. In these Service Center communities, you can sense the security that people have in terms of being able to consider the development as their home. It is this pride of ownership that Service Center strives to instill in each tenant. As owners of these developments, Service Center has the ability to understand situations which farm workers are faced with. I mentioned the freeze of 1992 when workers were displaced. The Service Center was able to tell these workers “don’t worry about paying the rent, let’s work on getting you badly needed social services.”
Another example of the Service Center's compassion for farm workers is that of the Mixteco indians, recent immigrants to the United States from some of the most southern regions of Mexico. They were greatly discriminated against by Americans and Mexicans alike. People told them outright how they did not want Mixtecos living in their neighborhood. Others refused to rent to them because they had no income or credit history. The Service Center went to the Mixteco associations and told them “look, if you refer an individual or family who wants to live in one of our apartments, we will accept them, we’ll hold a certain number of units available for your people.” That’s how we were able to provided housing to the Mixtecos, a segment of the farm worker population who if not provided a decent place to live, have no other choice than to live under trees.

The mission of the Service Center is service through self help. The idea is that we as individuals, Chicanos and farm workers, are going to have to do things for ourselves. We cannot rely on other people or the government to improve our quality of life or do things for us. Housing and Urban Development Secretary Henry Cisneros spoke at the UFW’s convention in September of 1994, prior to the national congressional elections. The Service Center made an agreement with Secretary Cisneros that HUD and the Service Center would establish a $50,000,000 Farm Worker Housing Initiative to develop farm worker housing in the most rural and difficult to build communities. With the election of a Republican Congress, the idea of a farm worker initiative died on the vine. That is why Service Center’s philosophy is that unless we are going to do things ourselves, it’s never going to happen.