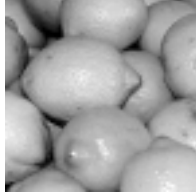


california rural legal assistance



**CRLA Services
Through the
Client Experience**



DISCRIMINATION

FEMA'S Disaster Victim Discrimination

DISASTER ASSISTANCE POLICIES AGAINST MIGRANT FARMWORKERS

My name is Juan de la Tierra. Each year I return, along with hundreds of other farm workers, to the northern Sacramento Valley as a migrant farm worker. I and my compañeros work year after year for the same employers, thinning, picking, hoeing, weeding, irrigating, staking, and pruning the orchards and fields. We arrive in the area, as the work

out my livelihood, but it also wiped out my housing. Having no place else to turn and with little hope, I contacted CRLA.

According to Ilene Jacobs, one of CRLA's directing attorneys, the flood disaster made the paltry living conditions worse. Employer-provided migrant labor camp housing

refused to provide them temporary housing, like the trailers it had provided earlier to earthquake and hurricane disaster victims. FEMA's decision was to disregard express legal authority to provide temporary housing to disaster victims which it acknowledged it has under its enabling legislation and implementing regulations.

FEMA claimed it no longer was in the business of supplying trailers for housing when local advocates and government agencies developed a plan which included a cost estimate, delivery of manufactured housing and a site.

FEMA steadfastly refused requests for temporary housing made by an unusual alliance of farm workers, local government, the local farm bureau, and members of the agricultural industry, who joined forces to provide food and clothing to needy farm workers. FEMA also rejected appeals on their behalf by then Congressman Vic Fazio, and Senators Dianne Feinstein and Barbara Boxer.

Yet later that same year, FEMA, provided exactly that type of temporary housing, to victims of the flood disaster in Grand Forks. A FEMA representative sought to explain that the Grand Forks victims were different than the migrant farm worker victims because they and their families had worked so hard and dedicated their lives to building their families, communities and homes. Advocates rejected the distinction, but could not persuade FEMA to provide the disaster aid. As a consequence, the farm workers struggled through the work season.



season demands, from late April to early June, and remain until October, November or December. I toil 12 hours a day, six days a week, for minimum wage, in the fields and orchards of northern California counties, to bring the peaches, prunes, nuts, melons, tomatoes and other fruits and vegetables which grace dining tables of the nation. I work to make a better place for my family, so that the lives of my children will be better than mine. In 1997, we arrived in the Valley during the aftermath of the winter floods which devastated the state.

As other disaster victims before us, I and other Sacramento Valley residents turned to FEMA (Federal Emergency Management Agency) for help. And, along with hundreds of other Migrant Workers, I was turned away. I was told FEMA assistance did not apply to me. I was devastated. Not only did the flood wipe

out my livelihood, but it also wiped out my housing. Having no place else to turn and with little hope, I contacted CRLA. According to Ilene Jacobs, one of CRLA's directing attorneys, the flood disaster made the paltry living conditions worse. Employer-provided migrant labor camp housing refused to provide them temporary housing, like the trailers it had provided earlier to earthquake and hurricane disaster victims. FEMA's decision was to disregard express legal authority to provide temporary housing to disaster victims which it acknowledged it has under its enabling legislation and implementing regulations. FEMA claimed it no longer was in the business of supplying trailers for housing when local advocates and government agencies developed a plan which included a cost estimate, delivery of manufactured housing and a site. FEMA steadfastly refused requests for temporary housing made by an unusual alliance of farm workers, local government, the local farm bureau, and members of the agricultural industry, who joined forces to provide food and clothing to needy farm workers. FEMA also rejected appeals on their behalf by then Congressman Vic Fazio, and Senators Dianne Feinstein and Barbara Boxer. Yet later that same year, FEMA, provided exactly that type of temporary housing, to victims of the flood disaster in Grand Forks. A FEMA representative sought to explain that the Grand Forks victims were different than the migrant farm worker victims because they and their families had worked so hard and dedicated their lives to building their families, communities and homes. Advocates rejected the distinction, but could not persuade FEMA to provide the disaster aid. As a consequence, the farm workers struggled through the work season.

FEMA determined that the migrant workers were not disaster victims. They concluded that the farm workers "voluntarily returned to a disaster area" and were not displaced from their primary residence. FEMA



Finally, individual migrant workers who managed to fend their way through the application bureaucracy were told they were too late since they had only 60 days from the disaster declaration to request disaster assistance. The fact that the seasonal nature of their employment meant that they did not discover their loss until they returned to the area was no excuse for a late application, FEMA said. It insisted that its rules about primary residence and application periods were meant to discourage fraudulent requests for aid

and likened migrant farm workers to college students, “snow birds”

and vacationers who might inappropriately take advantage of disaster assistance.

Attorney Ilene Jacobs describes FEMA’s discrimination in simple terms. “It has defined a class of disaster victims ineligible for disaster assistance because of who they are, where they are from, how little they possess and what they do. Farm workers are the poorest of the working poor, the most exploited labor force in this country and are the least likely to be helped by traditional resources.”

FEMA refuses to revise its primary residence rule for late-arriving migrant disaster victims so benefits may be available irrespective of whether they reside year-round in a declared disaster area. And when workers arrive to find homes destroyed and belongings lost, FEMA refuses to extend application periods for migrant disaster

victims after the standard application period has closed.

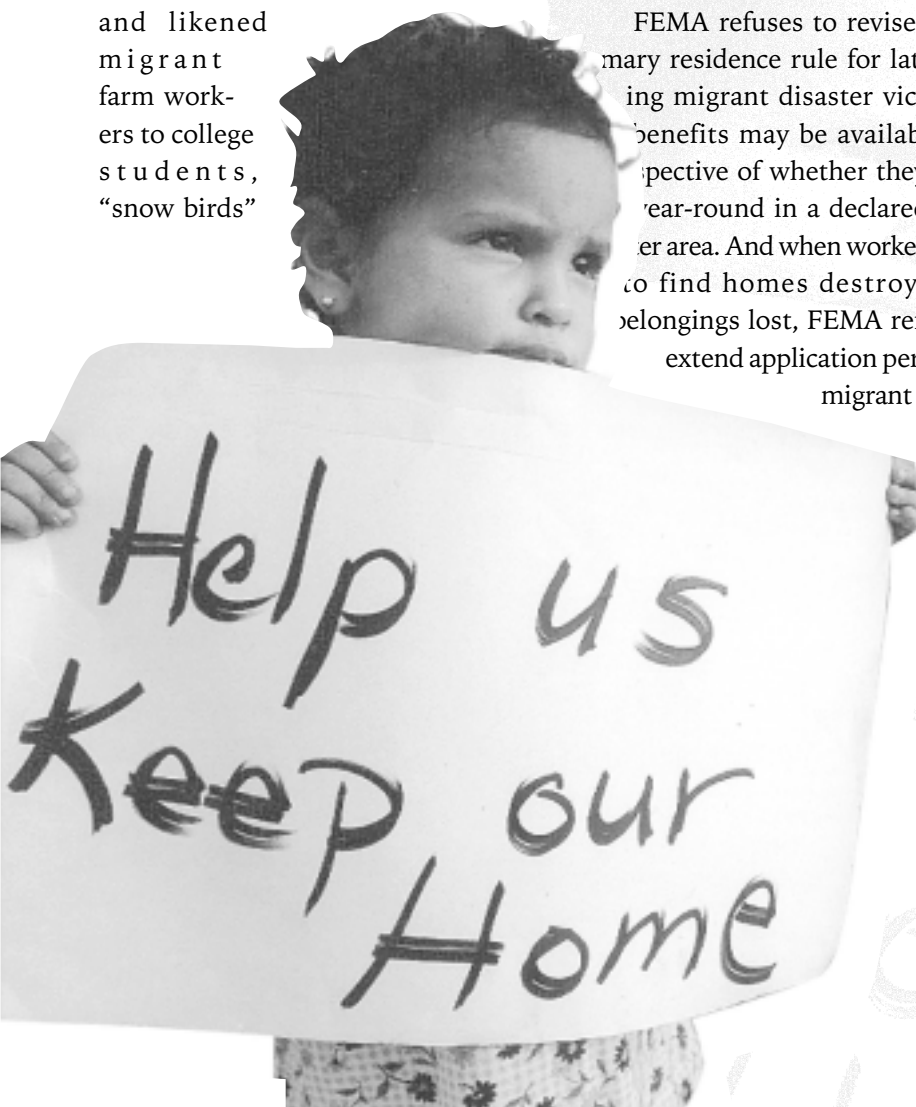
Instead FEMA is seeking to shift its primary responsibility for rapid disaster response to migrant worker victims, to other federal agencies (which lack funding), to state housing agencies (unequipped for rapid response) and to employing growers (who struggled over their own personal disaster needs).

FEMA persists in cynically suggesting that workers would purposefully relocate to disaster areas in order to take advantage of available assistance. Not stopping there, the agency has imposed additional and onerous evidentiary burdens regarding citizenship, primary residence and employment workers already in the difficulty of surviving a natural disaster.

CRLA advocates fear that FEMA’s refusal to provide emergency housing and related disaster assistance to migrant farmworker victims of the 1996–1997 winter floods in northern California will be repeated in future disasters affecting migrants throughout California and the nation.

Administrative appeals are pending on behalf of those workers who managed to apply for assistance in 1997. These appeals intend to correct FEMA’s restrictive and discriminatory application of its primary residence rule and 60-day application period which, in the end, should alleviate, for all victims, the suffering brought by disasters. ❁

Note: Names of CRLA clients throughout this report may have been changed or are a composite of hundreds of farmworkers to protect their identity.





SANITATION

Field Sanitation in Ventura County:

FIELD SANITATION IN VENTURA COUNTY: WHEN CAL-OSHA FAILS ITS JOB

In 1989, a simple trip out to the Oxnard Plain and Ventura Counties would open anyone's eyes to the grave conditions that we, the farm workers, faced day to day working the harvest. It was obvious that the health and safety conditions required by Cal-OSHA (California Occupation Health and Safety Administration) were being completely ignored. The law has tried to make our working conditions humane, but law on paper comes cheap. California farm workers have had a legal right to toilets and hand washing water in fields for more than 30 years. We have had a right to drinking water dispensed in single cups or a fountain for most of this century. These rights are not only necessary for a safe work environment, but a matter of simple human decency. Even though these rights exist for us, the daily reality of the fields is far from what law demands.

When CRLA began monitoring Ventura County fields during the first year the Oxnard office opened (in late 1989), community worker Emanuel Benitez and CRLA staff began to generate dozens of Cal-OSHA citations to growers and farm labor contractors. Back in those years, it was very common to find seven to ten violations in a single day. The violations included everything from complete lack of toilets, unsafe drinking water, the use of driverless tractors, the unsafe transportation of workers, to the use of short handled hoes to weed. Inadequate field sanitation found by CRLA community workers was a major contributor to the higher rates of occupational illnesses suffered by farmworkers. Sanitary field conditions are vital to the prevention of disease transmis-



sion, dehydration, heat illness, pesticide poisoning, and infections of the skin, bladder and kidney.

Because of the constant field presence of CRLA community workers, the work site conditions of field laborers have improved. This does not mean however, that violations do not continue to occur. Although Cal-OSHA is responsible for monitoring and enforcing worker health and safety regulations in agriculture, fewer than one percent of the state's 77,600 farms are inspected annually. Because these inspections are so rare, the citations and penalties issued by Cal-OSHA to growers and farm labor contractors are also rare.

In the last few years Cal-OSHA has stopped doing field investigations based on CRLA field sanitation complaints; in most cases, Cal-OSHA simply sends a letter to the grower or farm labor contractor

making them aware of the violation(s). Problems are hardly ever resolved expeditiously. Because we need adequate field sanitation facilities immediately, CRLA has had to use other avenues for the resolution of health and safety disputes.

For example, in Ventura County CRLA has entered into an "informal" agreement with the support of the Ventura County Agricultural Association to address work place safety. Rob Roy, President and General Counsel for the Association, has published articles in its newsletter explaining field sanitation obligations and asking members to comply voluntarily. Thus far the voluntary compliance response to our field sanitation complaints has been effective in correcting citable violations almost immediately. Unfortunately, such industry cooperation is the exception. The cooperative effort in Ventura County is exemplary but non-existent elsewhere in California. State growers and farm labor contractors continue to violate health and safety laws, impudently responding at times to worker complaints with retaliation.

Nevertheless, CRLA continues its aggressive monitoring of field sites to guarantee basic human worker amenities such as clean toilets and drinking water. Those who harvest





the nation's food should not suffer such exploitation by employers who have plenty. After all, how costly is toilet paper or a container of water to a \$20 billion dollar industry?

**Driverless Tractor:
Unnecessary Tragedy**

Leon Perez is no longer able to tell his story. Leon Perez is dead. In May of 1996, Mr. Perez was crushed between a driverless tractor and trailer, as he was dragged through a Santa Maria field alone and helpless. He died an agonizing death. Several years earlier, his employer Green Valley Farms (owned by Farming Enterprises Inc.) had been cited by Cal-OSHA for operation of driverless tractors in its Santa Maria broccoli fields. A few months after Mr. Perez's death, on at least four separate occasions, CRLA staff observed Green Valley Farms again operating driverless tractors in its fields. These violations continued even after Green Valley Farms was cited again by Cal-OSHA for this illegal practice. They continued after the grower was given formal notice of its violations by CRLA. They even continued after CRLA filed a lawsuit to stop these illegal, life-threatening practices.

In mid-1998, CRLA obtained a permanent injunction against Green Valley Farms to stop its illegal use of driverless tractors. This victory was the first such injunction in California. It came about from the joint investigations of CRLA community workers from six different CRLA regions. This campaign-type strategy allows an understaffed office to focus a staff intensive effort to initiate new

litigation or to educate large numbers of workers in a concerted manner. The driverless tractor project in Santa Maria was led by CRLA Santa Rosa attorney Michelle Crawford and San Francisco-based DLAT Bill Hoerger. The injunctive victory against Green Valley Farms is of little consolation to the Perez family and their friends who still mourn the death of a friend, father and family member more than two years later. But there may be some comfort that his death provides courts or government agencies the example that will justify the ban of a reckless agricultural practice that gives little value to a farmworker's life.

**Beyond Education:
Enforcing Field
Sanitation Law**

When he came to CRLA's Santa Rosa office complaining about illegal working conditions in a factory, Roberto Lopez had not forgotten how he and his co-workers had suffered in the grape harvest without bathrooms, hand washing facilities, drinking water and cups. Mr. Lopez told himself enough was enough. With his help, Proyecto La Pizca began in 1997, using community workers from CRLA's statewide network, to assist Santa Rosa office staff investigate and remedy field sanitation conditions in Sonoma vineyards. In 1998, CRLA investigated over 100 vineyards, and found that 10% were in violation of field sanitation laws, a 50% reduction in violations from the previous year. Continuing to focus on educating growers as well as the farmworker community, CRLA

asked for voluntary compliance and got it. All growers found to be violating field sanitation laws corrected the problem within a day, which CRLA confirmed by repeated on-site visits. In 1998, the Project enabled CRLA community workers to educate indigenous workers in Sonoma fields, and provided training experience so that participating offices can consider future implementation of the project's successful labor rights education and enforcement campaign. "I am still angry," Roberto Lopez says, but his determination to demand change has provided basic human dignity to thousands of grape





workers laboring in the same fields he once walked.

Battling Northern Growers: Balletto Ranch and Wholesale Produce Company

RETALIATION IN BALLETTTO SHEDS

Packing shed workers knew what they were getting into when they sued the largest vegetable grower in northern California, Balletto Wholesale Produce Company, Inc. for not being paid overtime wages. “Don’t worry about us. We know what we’re doing and we know we may lose our jobs,” they told CRLA Santa Rosa attorney Michelle Crawford when she warned them that employers often retaliate in worker lawsuits. In 1994, Balletto had paid unpaid overtime to two of its shed workers and promised to stop its overtime violations. Instead, the company ordered shed workers to pack part of the day inside and the rest of the day outside on a concrete patio. The workers were forced to use two time cards to make it look like they were spending all their overtime hours working in the fields. In March, 1998, eight shed workers filed suit against Balletto Ranch (*Albor et al v. Balletto Wholesale Produce Co., Inc.*). In

August, Balletto signed a formal settlement agreement, agreeing to pay all overtime owed its shed workers for the past four years—more than \$171,000 in unpaid wages and interest. The first of four installments was paid in November; the last will be paid in May, 2000. Within days of issuing the first settlement checks, the company fired all packing shed workers and tore down its packing shed. The price of justice when paid in the form of retaliation, unfortunately, is always high to the workers who pay for their rights with unemployment.

SUITS AND STRIKES IN BALLETTTO FIELDS

Leovardo Razo may be an old man, but he decided he wasn’t about to be pushed around any longer. After years of no morning rest breaks, and long-delayed lunch breaks at his job at Balletto Ranch, Mr. Razo simply sat down in the middle of picking a row of squash, and began to eat his lunch. An angry supervisor suspended him without pay. The next season Mr. Razo was not rehired as he had always been before. So CRLA, on behalf of Mr. Razo sued the big vegetable grower in March of 1998, asking that timely rest and meal breaks be provided, and that time spent waiting for assignments, securing work tools or traveling to work sites be compensated. “I wanted to make Balletto Ranch give field workers timely rest and meal breaks each day, and to not have to spend their break time walking to the next picking field,” Razo told his lawyers. Meanwhile, Balletto ranch workers went out on strike, won an election for representation by the UFW, and negotiated a contract. Mr. Razo is back on the job, having played his part in demanding what was a simple legal right: a work environment where mandatory rest and lunch breaks are given.

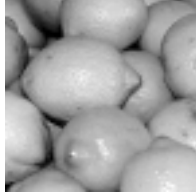
Lack of English Was Justice Delayed

In 1993, Ramiro Martinez found himself without a job. Owed wages by his former employer, he was unable to obtain help from the Santa Rosa Labor Commissioner’s office. “I went before the labor commissioner and told her many times that I needed an interpreter,” stated Mr. Martinez. Ramiro speaks and understands limited English. “The [Labor] Commissioner spoke some Spanish, but I could not understand what she was trying to tell me,” he continued. “She finally told me I was free to go.” Mr. Martinez went home and waited, but nothing happened. He waited some more and finally went to CRLA’s Santa Rosa office for help.

Migrant farmworker attorney Cynthia Rice and Hilda Cisneros made arrangements to obtain copies of his file. They could not believe what they discovered: Mr. Martinez’s case had been dismissed because of his failure to cooperate! Because the Commissioner’s office did not make a translator available at his wage claim conference and due to the Commissioner’s inability to communicate in Spanish, she choose to interpret this as a lack of cooperation. To add insult to injury, neither the Labor Commissioner nor anyone in the office had communicated this to Ramiro. He never received any written notice that his claim had been dismissed. The Commissioner’s office had simply noted in his file that the case was dismissed.

“Within a few months, CRLA helped me recover my wages. I now know that ‘justice for all’ applies to an immigrant like me,” he told local staff. If Mr. Martinez had not walked into CRLA’s offices, he would still be waiting for his administrative hearing. ❁





HOUSING

Collaboration for Client Justice

JOINING LOCAL GOVERNMENT AND BUSINESSES TO EFFECT CHANGE; AND A CLIENT SPEAKS

In 1998, one of the 10 ten stories for the *Santa Maria Times* newspaper chronicled the condemnation of the Casa Blanca apartments. That May, CRLA was contacted by the office of 5th District Supervisor for the County Harrell Fletcher to assist in the relocation of families from the 15 unit Casa Blanca complex in Orcutt, an unincorporated community south of Santa Maria. Five of the families had been given only 48 hours to gather their belongings and relocate themselves out of their crumbling homes. The “El Niño” rains contributed to the decaying nature of the structures. County housing inspectors began an investigation of the apartment units and found families living in cramped one bedroom apartments, most with serious structural problems, sewage problems, leaking roofs, no heat, exposed walls, and electrical dangers.

Community Worker Mary Jacka, Directing Legal Secretary Sylvia Torres, and attorney Richard Corbo (then managing attorney for Legal Aid Foundation of Santa Barbara County) joined efforts with local housing agencies, and assisted with family relocation. The five families who had been given 48 hours to move out were placed on the top of Santa Maria’s 1100-plus-family waiting list for the 208 low cost housing provided by the County Housing Authority. With Mary and Sylvia’s continued assistance, the remainder were relocated into much better units through Section 8 vouchers. Some were placed in nationally-recognized “Los Adobes de Maria,” the farm worker housing project built



by People’s Self Help Housing Corporation (PSSHC). PSSHC has developed more than 1500 affordable rental units and homes from Paso Robles to Moorpark.

Previous to the call for help from the Supervisor, the Santa Maria office had been struggling to help farm workers and the rural poor gain access to decent, affordable housing. Now, it seemed to be winning its crusade. While the lack of decent, affordable housing has been known to exist in Santa Barbara County, the office is investigating whether this inadequacy means the county is in noncompliance with the Housing Element laws of the state. Government Code Section 65302 *et seq.* requires local jurisdictions that have not met their fair share need for very low to low income housing to approve affordable housing developments. Within its own Housing Element plan, Santa Barbara County

acknowledged its deficiency in providing the regional housing need for the very low to low income categories. With the County’s recent closure and demolition of apartment complexes like Casa Blanca, the need has worsened.

The lack of decent, affordable housing contributes to blighted housing conditions and to the uninhabitability of apartments. As absentee landlords take advantage of the lack of good housing, they fail to provide proper upkeep and maintenance. Because the PSSHC is aware of the lack of adequate housing, they have four projects in the works in the Santa Maria Valley: one in Guadalupe (already approved by its City Council), two in Santa Maria (Valentine Court Phase II, which is in the environmental review process, and Los Adobes Phase II, which is in a negotiation stage), and another in Orcutt, called Mariposa Townhomes. The Mariposa project is less than two miles from the former Casa Blanca apartment site.

One former tenant of Casa Blanca, Amalia Uriostequi, and now a CRLA client, presented her public support of the Mariposa Townhome project. When NIMBYs (Not in My Backyard) tried to stop the project’s progress, Amalia said, “I knew it was time to speak out about what this project meant to those of us who cannot buy homes.” The NIMBY groups appealed the land use permit for the project despite some 28 times the project had been publicly reviewed. They cited, in part, that the lack of public notice that *Mariposa* was a rental complex

justified stopping the project. At the Planning Commission hearing on the NIMBY appeal CRLA's Mary Jacka translated for Amalia. Ms. Uriostequi stated, "I am married and have two children. I lived in the Orcutt community at the Casa Blanca Apartments, until May of 1998 when the County condemned the apartments because of their poor conditions. These apartments had no heat, bad plumbing problems and we had to take baths wearing rubber boots or otherwise we would get electric shocks. We lived there," she continued, "because we were not able to find other housing in Orcutt. We wished to stay there. When the apartments were condemned, we had to move to Santa Maria. Our children are not happy with leaving their neighborhood school and friends. They still want to return to their school in Orcutt. Please deny the appeal," she concluded, "and allow the Mariposa Apartments to be built so that our families may return to Orcutt where our children thrived in their school and want to be near their friends."

Despite this moving and courageous support for the project, the Planning Commission added two new conditions while denying the NIMBY appeal. A 10% increase in residential square footage and tile roofs were mandated. Those conditions would have financially killed the project. So, the project developer appealed the Planning Commission's decision to the Board of Supervisors. While, the NIMBYs opposed the developer's appeal to the Board, CRLA Directing Attor-



ney Richard Corbo, on behalf of Ms. Uriostequi, intervened to defend the project. Mr. Corbo wrote a lengthy letter and spoke in opposition to the NIMBY interference. As a result, the Board of Supervisors (acting in a quasi-judicial role) was forced to deal with the county's lack of decent, affordable housing.

Corbo focused the Board's attention on the condemnation of Casa Blanca and the need for affordable housing in the Santa Maria valley. He highlighted the Board's obligation under the law to allow Mariposa Townhome project to complete construction without imposed conditions, pointing out that the County was severely deficient in meeting its Housing Element Goals. "The County must dedicate itself to an action plan," he urged. This plan included, among other things:

- 1) a mandate to assist affordable housing developments by fast track processing;
- 2) a mandate to encourage support for affordable housing projects; and
- 3) a goal to identify, and where feasible, eliminate governmental constraints to the development of affordable housing.

The Santa Maria office was not alone in swaying the Board's unan-

imous decision granting the developer's appeal. Along with Ms. Uriostequi, there were the dozens of people and organizations who lent strong support. CRLA Directing legal secretary Sylvia Torres, a 20 year Orcutt resident, described the widespread collaboration. "I was honored to be able to speak to the Board as a long time resident of Orcutt. To collaborate with others in the community like Congresswomen [Lois] Capps, County Housing Authority Executive Director Karen Weitzel, Central Coast developers and construction entities, [former] Fifth District Supervisor Harrell Fletcher, and members of the Orcutt community, who came out to strongly support the project truly exemplifies a collective brought together to solve problems," she concluded.

The Santa Maria office's housing fight provides an example of CRLA collaborative strategies which deliver regional impact with fewer available resources. The justice work in Santa Maria helped educate not only the Orcutt community, but also the County Board of Supervisors about Housing Element law and the great need for decent, low-income housing. More importantly, it empowered a mother to speak out for the justice that cannot accept families living in slum conditions. ❁



HOUSING

Rural Housing: From Eviction to American Dream

EVICTING A DISABLED COUPLE

“We were in a desperate crisis when we walked into the San Luis Obispo CRLA office at 2:00 on a Monday afternoon,” said Pat and Mike Murphy. The apartment eviction was scheduled for 6:00 a.m. the next morning. Both of the Murphys have disabilities. Pat is legally blind, while her husband, Mike, is developmentally disabled.

“We had been served with an unlawful detainer lawsuit. I could not read it and Mike could not understand it,” explained Pat. So Mike took it back to the landlord’s attorney’s office and left it. The landlord’s attorney, of course, failed to explain that the Murphys had to file a legal response or face eviction.

The San Luis Obispo office of CRLA went into crisis mode as all legal papers had to be filed and served that evening. While Community Worker Ruth Angulo interviewed the clients and Attorney Mike Blank drafted pleadings, Directing Legal Secretary Susan Meigs typed and photocopied. It was hectic practice with purpose.

Mike Blank set an Ex-Parte Motion to Quash for 8:00 a.m. the next morning, convincing the sheriff to hold the eviction until 9:00 a.m. the next morning. “Mike gave Pat and I hope in a pretty hopeless situation” said Mr. Murphy.

Tuesday morning Mike, Ruth and Susan were in chambers waiting for the judge, who failed to appear. But as the clock was ticking down to the 9:00 a.m. eviction, the judge arrived and heard arguments.

The landlord’s attorney argued that Pat was not completely blind, but the judge would not hear it. At



8:55 a.m. the judge issued the order to quash the eviction, and Mike ran it to the sheriff’s civil division with little time to spare.

CRLA’s investigation was revealing. The reason the Murphys were being evicted was because after months of complaining to the landlord about their apartment being substandard, they withheld \$100 of their rent. Instead of fixing up the apartment, the landlord chose eviction.

CRLA moved to set aside the tenant default, and the landlord had to re-serve the Murphys to start the lawsuit all over again. Twice the landlord got it wrong and twice CRLA successfully demurred. The landlord finally tired of the protracted litigation agreed to settle, allowing the Murphys to stay in the apartment until their lease was up, and to pay reduced rent. “We don’t know what we would have done without CRLA,” Pat says.

But for quick work in San Luis Obispo, a blind woman married to a

developmentally disabled husband would have joined the homeless of San Luis Obispo County.

BEING EVICTED FROM THE AMERICAN DREAM

Daniel Garcia was fulfilling his American dream. “I had come to the United States and soon got a job as a cook in a Mexican restaurant,” states Mr. Garcia. He carefully saved his meager salary and bought a very old, used mobile home to house his family—a wife and infant son. After he moved into the first home he had ever owned, the sheriff came and posted it with an eviction notice.

Mr. Garcia came into the San Luis Obispo CRLA office one day before he was to be evicted, lose his home and all the money he had invested in it. CRLA’s immediate investigation found that the previous owner had been behind in his rent at the mobile home park and never told Mr. Garcia. The mobile home park was evicting him and his family for non-payment of rent.

Putting all other work aside, the entire CRLA staff prepared the Motion to Quash that was argued the next morning. It convinced the judge to stop the eviction. “I had come within 24 hours of losing everything I had worked for in America,” explains Mr. Garcia.

The San Luis Obispo staff then untangled the complicated financial dealings, discovering that Mr. Garcia was seriously behind in his rent at the park, could not afford to pay the current rent, past due rent, and make the payments on the promissory note to the seller of the mobile home.



Mike Blank wrote a demand letter to the seller accusing him of fraud and deceit and informing him that Mr. Garcia would no longer pay him but rather would take the payments due to the seller and make up the past due rent. CRLA staff managed to trace and get refunded all the money orders that our client had been paying for the rent, but had been lost between the seller and the park landlord.

When the dust finally settled, Mr. Garcia was back in his home and current on the rent. Payments due the seller are being placed into an escrow account. The funds will not be released to the seller until Mr. Garcia is provided a clear title. In this case, one immigrant family had come within 24 hours of having its home ownership dream being evicted along with them.

SLUMS IN SAN LUIS OBISPO

The Brizzolara apartments were the worst slums in the city. Maria Contreras had come to the CRLA office because the ceiling was collapsing in her bathroom. "Water was pouring through the ceiling and filling my bathtub. My bathtub was plugged and overflowing. I had to put a pump in the bathtub to pump the water from the upstairs unit into my toilet so that the bathtub would drain. It was a mess," she states.

The upstairs unit had burned and damaged the building structure. The landlord left it vacant and had not repaired the building. Ironically, the landlord was a San Luis Obispo fire fighter. He was renting substandard dwellings to low-income families, primarily Latinos.

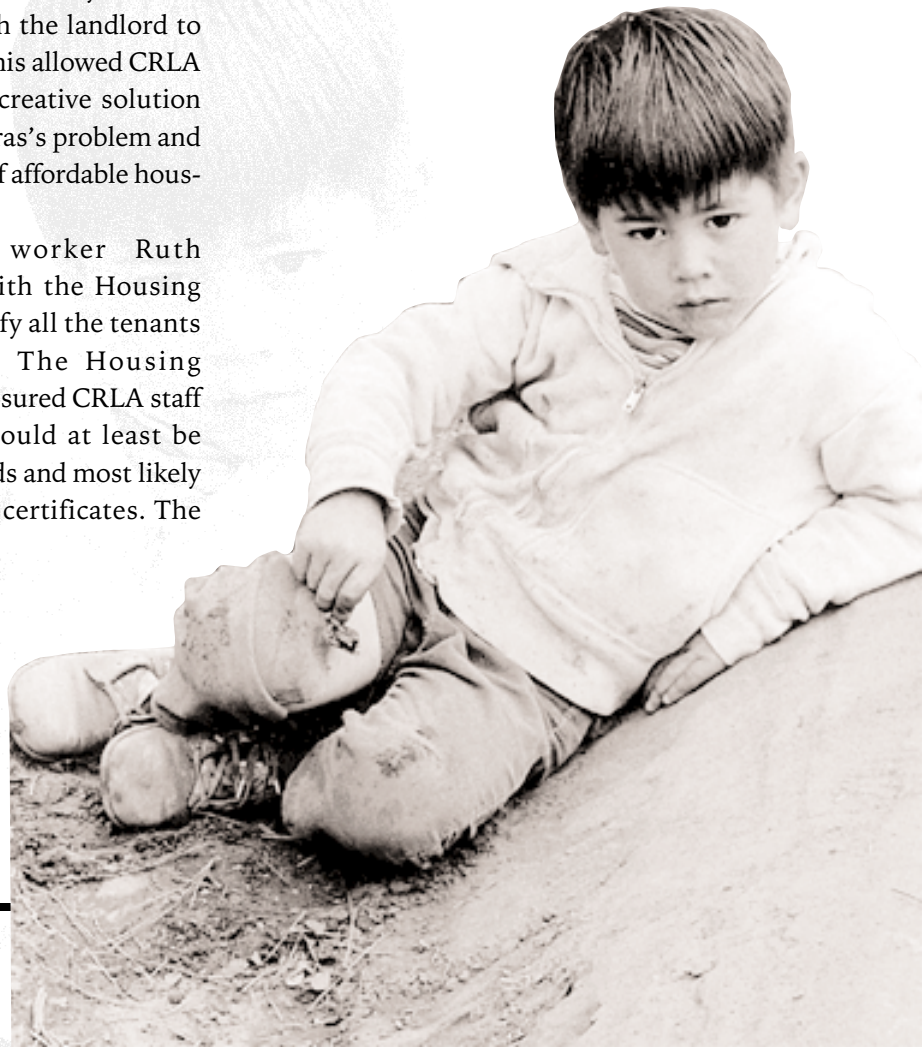
The San Luis Obispo CRLA staff made cleaning up the slum a priority. They repeatedly litigated against the landlord, causing him to lose rents and incur attorneys fees. They filed a complaint with the city personnel office because the landlord was collecting rents in his fire fighter's uniform, giving the impression to the Spanish-speaking clients that he was the police with authority to collect rents. CRLA also filed multiple complaints with the city code enforcement department and brought the power of the press to the situation.

Because of the negative publicity, the threat to his job, and financial loss, the landlord decided to sell the building. The San Luis Obispo County Housing Authority entered into a contract with the landlord to buy the property. This allowed CRLA to participate in a creative solution to both Ms. Contreras's problem and to the larger issue of affordable housing in the County.

Community worker Ruth Angulo worked with the Housing Authority to identify all the tenants in the building. The Housing Authority in turn assured CRLA staff that all tenants would at least be paid relocation funds and most likely be given Section 8 certificates. The

Housing Authority closed escrow on the building and is in the process of relocating the tenants. They are being paid to relocate and most of them are receiving Section 8 certificates. Tenants who withheld rent from the slumlord will be paid back from the CRLA trust account. Through this housing work, three major goals were achieved on behalf of low-income people in San Luis Obispo county.

- 1) it eliminated the worst slum in the city;
- 2) it provided safe and decent housing for the former tenants of that slum; and
- 3) the Housing Authority was able to build new, decent units on that site.





NEIGHBORHOOD RACISM: ALIVE AND LIVING IN CALIFORNIA

“We had saved most of our lives to buy a house. I worked both a full-time and a part-time job to make enough money. My brother, Guillermo (who also worked a full-time job and a part-time job) and I went together to buy a home in Morro Bay, California,” tells Esperanza Rodriguez.

“We were delighted with the home and to have both Rodriguez families living together and working together to make the payments on the house and to create a wonderful living environment for our children,” she continues.

When Esperanza and Guillermo (who speak very little English) first came into the CRLA office, they were visibly worried. There seemed to be a problem with their new

home. The Rodriguezes were the first Latinos to buy a house in an all white neighborhood. While most of the neighbors were glad to have them in the neighborhood, two families of neighbors made it their goal to drive their new neighbors from their new home.

One neighbor continually filed complaints against the Rodriguez family with Code Enforcement, alleging overcrowding, illegal construction, non-permitted construction and anything else he could think of. Their neighbors then went to the City Council and lobbied month after month to get the City Council to pass a density ordinance restricting the number of people who could live in a house. The neighbors also went to the newspaper, complaining about overcrowding in their neighborhood.

The density complaints and the overcrowding complaints were just thinly veiled racism. The Rodriguezes were understandably frightened and worried. They were continually being visited by Code Enforcement officers, Health Officers, and being screamed at in the street by neighborhood children.

CRLA Community Worker Ruth Angulo visited the Rodriguez home and surveyed the situation. Attorney Michael Blank also came to their home and met with the family. He determined that the house was a very clean home with two hard-working and decent families living in it.

Mike, then arranged for an open house. He invited the City Code Enforcement Officer, the Mayor, the City Manager, and the Chief of Police to come visit the home and see the conditions for themselves.

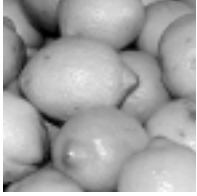
The Rodriguez family was very worried about the pending visit by the city officials. “We scrubbed the house until it sparkled and our children wore their Sunday best,” said Guillermo.

After the Mayor toured the house, she went to Mike Blank and said, “I can’t believe it, I would love to have these people as my neighbors.” The City Code Enforcement Officer, after seeing the house and seeing how they had fixed it up, quickly determined that the complaints by the neighbors were based on racism.

Attorney Mike Blank worked with the city police to educate the neighbors about hate crimes. When the harassment from them did not stop, the city police went to the two offending families and explained to them that hate crimes were criminal and if they did not stop, the police were going to arrest them. That finally stopped the behavior. The City Council also determined that any density ordinance they were considering, would probably be unconstitutional, and they dropped the idea.

The Rodriguezes are delighted to live in a nice home, and finally live in peace. Latino civil rights in rural California means preventing neighborhood racism from interfering with the right to decent, family housing. The Rodriguez family now has a home to prove it. 🌻

Note: The names of the clients in this story as well as others have been changed to protect their privacy.



SEXUAL HARASSMENT

Combating Sexual Hostility in Agriculture

\$1.855 MILLION SEXUAL HARASSMENT SETTLEMENT HAD HUMBLE BEGINNINGS WITH CRLA

"I had walked in to the CRLA office in Salinas seeking assistance for a problem with my employer when it seemed like no one could help," states Blanca Alfar. "I wanted to know if CRLA could help me demand payment from my employer. I had been suspended for missing work. The staff at CRLA spent so much time talking to me and trying to understand my situation that I felt that I could really trust them," she admits. "I explained the embarrassing truth, that I had been subjected to repeated sexual harassment on the job." This disclosure started two and a half years of intensive investigation and negotiations. Ms. Alfar's claims became the linchpin for one of the largest monetary settlements ever obtained from an agricultural employer for alleged sexual harassment.

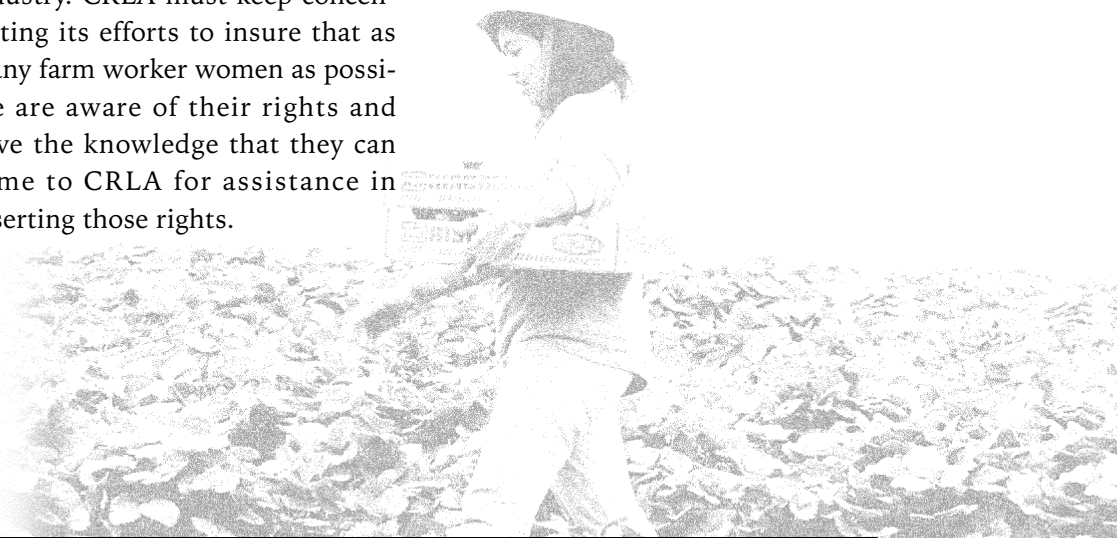
Had Ms. Alfar called in to a telephone legal assistance hotline, she probably would have been immediately referred out to a private attorney or another agency. Had she walked in to a typical legal aid office, she probably would have been immediately referred out as well since her problem seemed to lack a legal remedy. However, Blanca walked in to CRLA's Salinas office, an office that tries to have an in-depth interview with every farm worker who walks in the door with any type of employment related complaint. Treating an individual with dignity and imparting some basic information about employment law may sometimes be exactly what it takes and all that is required.

Along with their partners at the Golden Gate University Women's Employment Rights Clinic and the Equal Employment and Opportunity Commission, CRLA was able

to convince Blanca's employer to establish a \$1.855 million dollar settlement fund which includes a confidential settlement for Ms. Alfar and a claims fund for other farm workers who alleged that they suffered sexual harassment or retaliation from Tanimura & Antle, Inc., one of the largest produce companies in the nation.

While CRLA is happy with the settlement that was reached, there are also many humbling questions. For example, even though the Salinas CRLA office is part of CRLA's statewide Sexual Harassment Project that seeks to aggressively provide outreach and education to farm worker women about sexual harassment laws and their rights, why didn't Blanca Alfar know that CRLA could assist her with her sexual harassment case? Blanca lived literally across the street from the CRLA office but thought that the nearest office that could assist her with her sexual harassment claims was 60 miles away in San Jose. CRLA's efforts are merely a drop in the bucket in the face of the rampant sexual harassment that pervades the agricultural industry. CRLA must keep concentrating its efforts to insure that as many farm worker women as possible are aware of their rights and have the knowledge that they can come to CRLA for assistance in asserting those rights.

Much of the recent efforts to weed out sexual harassment in the workplace is concentrated in the non-agricultural sectors. Strides made in other industries need to be duplicated in agriculture, where too many vulnerable women continue to toil in hostile and demeaning environments. CRLA offices hear far too regularly about women still being asked to exchange sexual favors for agricultural jobs and about farm workers continually being subjected to inappropriate sexual comments and other harassment. Farmworker women still fear losing their jobs or other forms of retaliation for speaking out against such harassment. The EEOC's commitment to focus on sexual harassment cases in agriculture is a positive sign, and along with CRLA's ongoing work; everyone is hopeful that improvements will come. Blanca Alfar gives us more concrete evidence that we must continue the uphill battle to extend civil rights enjoyed by others, to a work force generally forgotten by mainstream institutions.





PESTICIDES

Educating Against Field Poisons

**THE CALIFORNIA ENDOWMENT
FUNDS CENTRAL COAST ENVIRONMENTAL HEALTH PROJECT**

It has been a long, hot day working in the rich strawberry fields of the Oxnard Plain in Ventura County for Teresa de la Cruz. Each day she goes home wondering why she has such a terrible rash on her arms from working. "Year after year, when we pick the strawberries, I get a big rash on my arms and it itches very much." Ms. de la Cruz says. When asked by Cesar Hernandez, CRLA Community Worker if she has ever seen a doctor about it, she replies that when she complains, all the company does is give her a cream and tell her that she has a strawberry allergy.

California leads the nation in pesticide use, pesticide related poisoning of workers, and contamination of water, air and wildlife. The intensity of agricultural pesticide used in California increased 35% from 1991 to 1995. In California there are about one thousand acute occupational illnesses linked to agricultural pesticide exposure reported each year.

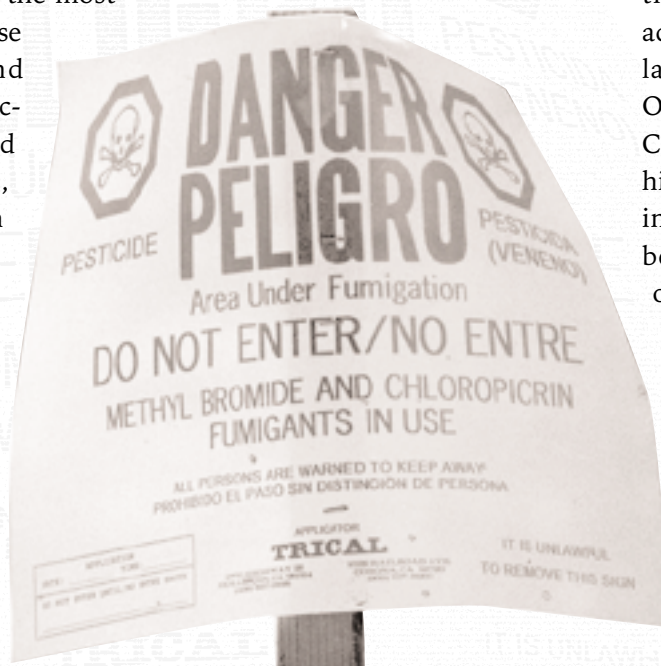
CRLA has long been a leader in advocating elimination of the most toxic pesticides, reducing use of other pesticides and demanding stronger protections for farm workers and their families. In July 1998, CRLA joined forces with the Environmental Defense Center and Environmental Center of San Luis Obispo, to form the Central Coast Environmental Health Project (CCEHP). The project received a \$667,000 grant from The California Endowment, which funds groups that improve healthcare. The

CCEHP is a two year collaborative regional project, covering the counties of Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz and San Benito, and involves the CRLA offices in Oxnard, Santa Maria, San Luis Obispo and Salinas Migrant. The CCEHP is designed to address the health risks associated with pesticide use at the agricultural/urban interface through community and worker education, training of health care professionals and policy and regulatory changes as appropriate.

Through the CCEHP project, CRLA has been able to fund a full time attorney position in Oxnard and two full time and two part time community worker positions throughout the Central Coast. The project Community Workers, Cesar Hernandez, Mary Jacka, Ruth Angulo and Dalila Guzman have concentrated on educating workers about pesticides and their rights.

So far, CRLA project staff have conducted over 40 Community Education presentations from Oxnard to Watsonville. Many workers have now become aware of their rights under the law in regards to pesticides. Some have begun to assert their rights, even though they may suffer retaliation from their employers for doing so.

"During the 26 years that I worked in nurseries in Watsonville, I did not know very much about the dangers of pesticides because my employers hardly told us anything about the pesticides used there," stated Dalila Guzman. "Because of this, I am working especially hard to get the word out to as many farm workers as possible about pesticide laws, workers' rights, and steps people can take to protect themselves and their families," added Guzman. Recently a pesticide applicator from Santa Maria was unlawfully terminated from his job for complaining about health hazards related to pesticide application. When he was accused of stealing pesticides and later fired, he came into CRLA in Oxnard and presented the facts. CRLA Santa Maria was able to help him appeal a negative ruling denying him unemployment insurance benefits. The CRLA Santa Maria office is also representing him in a retaliation case which was filed with the Labor Commissioner. CRLA is awaiting notice of hearing. Similarly, the CRLA office in Salinas is representing a nursery worker who was forced to seek medical treatment twice because of exposure to pesticides used inside a greenhouse.



Environmental Groups Aim to Heighten Pesticide Awareness

■ **Agriculture:** Two-year project will seek to educate farm workers and general public about health risks.

By REGINA HONG
SPECIAL TO THE TIMES

Three environmental advocacy groups are embarking on a two-year project aimed at reducing health risks from pesticides among farm workers and those who live or work near agricultural areas in six counties, officials announced Monday.

The Environmental Defense Center is the lead organization for the newly formed Central Coast Environmental Project, which will cover Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz and San Benito counties. The center will

work with California Rural Legal Assistance and the Environmental Center of San Luis Obispo County to document health risks from agricultural pesticides. The groups also will educate farm workers and the general public about their legal rights related to pesticides and other hazardous agricultural practices.

The project received a \$667,000 grant from the California Endowment, which funds groups that improve health care. The grants for two years, but the project may be extended, said Loni Schingo program coordinator at the center.

In Ventura County, the group will document complaints about pesticides, including methyl bromide, a

highly potent fumigant used in strawberry fields as well as on grapes, tomatoes, almonds and vegetables, said Eileen McCarthy, a staff attorney of California Rural Legal Assistance.

The chemical will be banned nationwide in 2001 because it depletes the Earth's ozone layer. A California ban because of safety concerns was sidestepped in 1996 after Gov. Pete Wilson, citing job and economic losses, asked the Legislature to extend the time limit on the chemical's use. Project officials said they will spend the bulk of their time trying to educate the public about pesticides. This will include educating doctors about what they should look for to diagnose pesticide poisoning. It will also involve talking to farm workers about their rights regarding pesticide problems and educating

communities near farm areas about what to expect from pesticides.

"Workers should know their rights, communities should know their rights. Pesticide drift is illegal and no something you should have to put up with," Schingo said.

Project officials plan to document all reported cases involving problems with pesticides. They said reported cases of pesticide poisoning are far lower than they should be because many farmers fear reprisal from their employers.

"So, I think, unfortunately, the low numbers of pesticide reporting leads to an erroneous conclusion that there are not pesticide poisonings, when that is not the case," McCarthy said. Project officials will assist in the reporting of pesticide poisoning to the counties' agricultural commissioners, she said.

His employer continued to insist that he spray the pesticides that poisoned him. The worker objected, and was terminated. CRLA filed a discrimination complaint with the Labor Commissioner and is appealing an initial opinion that indicated bias from the investigator.

In addition to the hazards that farm workers face at their workplace due to pesticides, farm workers and their families also face multiple exposure to pesticides where they live and where their children play and go to school. Scientific data suggest that children who live on, or adjacent to, agricultural land and children of farm workers have significantly greater pesticide exposure than non-farm children. Farm worker children have exposure to pesticides through the usual routes common to the general population and in addition, via routes particular to their location and the employment of their family members. "I am worried about our children," says Ramona Soto, a packing house worker whose son attends a school that ranks second in the state of California for heaviest methyl bromide use. "I'd like to ask the government to remove the poisons that are affect-

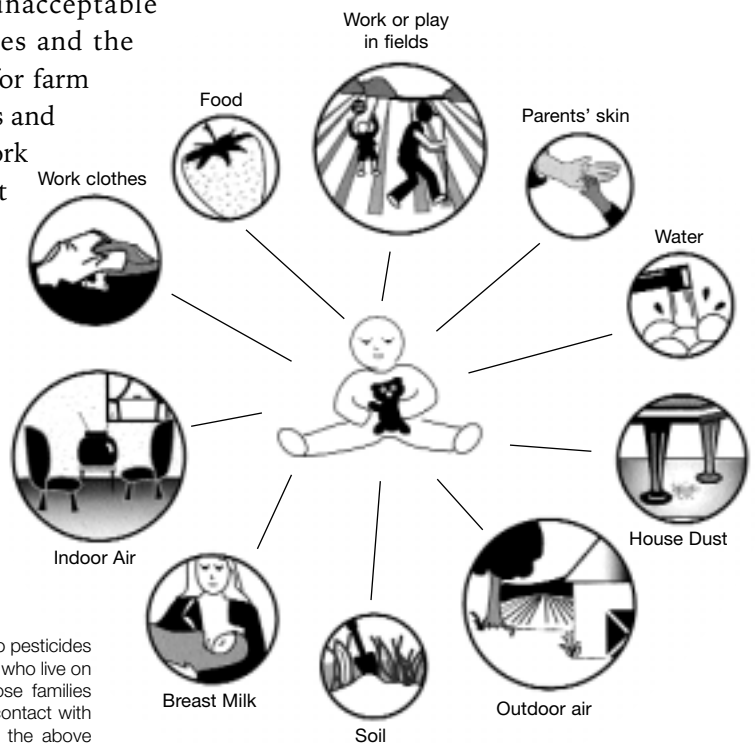
ing our children. Our children are our future."

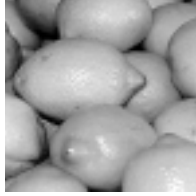
With the unique collaboration and additional new resources made available to CRLA through the CCEHP, CRLA staff will continue to assist farm workers and their families through advocacy and education. It is essential that we all continue to work to reduce the unacceptable exposures to pesticides and the health risks involved for farm workers. Farm workers and their families do the work in this country that allows all of us to survive, namely harvesting the food we eat. They deserve to have government agencies afford them the maximum protection from pesticide exposure that they are entitled to under the law. ☼

Figure: All children are exposed to pesticides in the foods they eat, but children who live on or near agricultural land, or whose families work in the fields, may come in contact with pesticide residues through all of the above pathways.

Printed courtesy of Natural Resources Defense Council

EVERYTHING THEY TOUCH Farm Children Face Pesticide Exposures from all Sides





HEALTH

“El Cortito” Will Not Die

CRLA CONTINUES TO BATTLE A 25 YEAR OLD PROBLEM WITH THE SHORT-HANDLED HOE

Nearly 25 years ago, CRLA and its farm worker clients achieved one of their greatest legal victories—the banning of the crippling *el cortito*, or short-handled hoe, for weeding and thinning in California agriculture. Workers and medical experts had long complained about the severe damage the tool caused to farm workers’ backs throughout the state. Agricultural employers fought the eventual ban with the refrain that production yields would dramatically decline, jobs would be lost, and growers would be forced out of business if *el cortito* were to be prohibited.

Soon after the ban was finalized, it became evident to all concerned that the “sky is falling” predictions would not come to pass—even the growers were forced to admit this, as shown by a quote from Robert A. Antle, president of Bud Antle and son of the founder. He stated in an April 14, 1975 *Los Angeles Times* article about the aftermath of the banning of the hoe: “We fought this thing and worried over it and now it turns out not to be a problem. Frankly, I feel like a goddamn jack-ass,” Antle said.

Even though it has been conclusively shown that long-handled hoes can be effectively used to protect both the workers’ backs and the growers’ crops, too many employers continue to use unlawful short-handled tools to weed and thin crops—even today, almost 25 years after the ban became



effective. Unfortunately, given the weak enforcement presence of Cal-OSHA, there is virtually no agency other than CRLA which seeks to improve conditions in the fields for farm workers. CRLA’s Salinas office is currently monitoring a San Benito County court order that prohibits a farm labor contractor from continuing its practice of requiring its workers to weed with short-handled tools. CRLA

Community Worker Jesus Lopez observed crews for Rodriguez Labor, Inc. being required to use short-handled knives to weed bell peppers and onions on two separate occasions during the same week. On behalf of a farm worker client, CRLA immediately filed for a court injunction to stop the illegal tool usage. The Judge

promptly granted CRLA’s client the temporary restraining order against the farm labor contractor, and soon thereafter the farm labor contractor agreed to be bound by a permanent injunction that required him to utilize only the legal long-handled tools for weeding.

Raul Cardona Rodriguez, the farm worker plaintiff in CRLA’s lawsuit, stated: “I have worked weeding fields with short-handled tools. It is back-breaking work. I am very happy that I was able to be part of CRLA’s efforts to see that conditions for farm workers are improved and that laws to protect us are followed.” ☀

Declaration from the named plaintiff in the cortito litigation, considered by the California Supreme Court in 1973:

“I Sebastian Carmona, hereby declare: I later migrated to Soledad, California, in 1959, and started working for Salinas Strawberries as a foreman. I found myself obligated to make my people use short-handle hoes. I could see no reason for using the short handle, so I asked the growers. They told me I could either accept things the way they were or lose my job, and that went for my people in the fields, too.

As the years went by I began to realize that I wasn’t walking as erect as before. I definitely feel that using the short-handle hoe was responsible for weakening me to the point that I can no longer sit or stand straight as I once did. I am 46 years old.”