

# Fighting Poverty in the Fields: Legal Services and the War on Poverty in Rural California

DOUG GENENS

*From 1966 to the late 1970s, California Rural Legal Assistance (CRLA) helped farmworkers unionize, fight for safer workplaces, and create a more just farm economy. Studying CRLA as part of the War on Poverty's Legal Services Program allows scholars to rethink the parameters of this reform moment, as well as the centrality of rural places to the War on Poverty. Historians have typically seen the War on Poverty as weakened by its focus on culture, not structural inequality. In contrast, CRLA attorneys viewed poverty as a product of the political economy of California agriculture. CRLA linked the provision of legal services with interventions in the workplace as it sought to restructure an unequal system. Unlike other studies of legal services that stress the actions of lawyers, this article illuminates the role of farmworkers and the rural poor as well. It traces the development of CRLA, some of its major cases, its high-profile conflicts with Ronald Reagan, and, ultimately, the declining efficacy of its legal strategy. Nonetheless, CRLA's work reveals the importance of anti-poverty policy in addressing the farm economy, and the importance of rural struggles to the fate of the War on Poverty.*

**I**N 1966 CALIFORNIA RURAL LEGAL ASSISTANCE (CRLA) received \$1.2 million to create a legal services program under the War on Poverty initiated by Lyndon Johnson. Founded by a group of young lawyers led by James Lorenz, CRLA provided legal aid to tens of thousands of rural Californians. CRLA's lawyers and their primarily farmworker client base steered the group toward fighting what they saw as rural California's major source

**DOUG GENENS** is a PhD candidate in US history at the University of California, Santa Barbara. He is a historian of twentieth-century public policy, with a particular focus on rural America. His dissertation, "Whither Rural? Rural Development Policy and the Debate over Rural America's Future, 1945–1980," examines the responses of policymakers, ordinary people, and social scientists to widespread poverty, outmigration, and the changing economy of rural places after World War II. This article was the winner of the Everett E. Edwards Award for the best article in *Agricultural History* by a graduate student in 2018–2019.

of poverty: the large growers who controlled the farm economy. They understood rural poverty as a product of unequal economic relationships that could best be addressed by organizing and empowering workers. Lawyers and farmworkers joined together in CRLA to fight a war on poverty that used the legal system to expand farmworkers' labor rights, check the abuses of grower power, and build a more just agricultural economy.

CRLA's history provides an opportunity to contribute to an ongoing reevaluation of the War on Poverty. Scholars began assessing the legacy of this reform moment in the 1980s. In general, this first wave of literature emphasized the poverty war's failures. From the left, scholars criticized policymakers for their narrow view of poverty as a problem of individual behavior and for crafting a policy that did little to create jobs or address structural inequality. On the right, scholars attacked the War on Poverty for swelling the government's size and increasing welfare dependence among the poor.<sup>1</sup>

In response to this top-down narrative, a new wave of scholarship emerged focusing on the War on Poverty's local implementation. These authors uncovered a "grassroots" War on Poverty shaped and driven by the activism of poor people. While local contexts produced distinct anti-poverty campaigns, they shared important similarities. Local activists linked critiques of racial and economic exploitation, challenged local powerholders in government and the workplace, and tried to build a democracy responsive to their needs. Further, many formed multiracial coalitions that, while tenuous, suggested possibilities for wider reform. While much of this new scholarship has focused on cities, historians have found similar patterns of grassroots organizing in rural areas as well.<sup>2</sup> To date, however, the scholarship on rural anti-poverty struggles has been situated in Appalachia and the deep South.<sup>3</sup> Thus, while historians of the grassroots War on Poverty have begun to reverse long-held assumptions, the varieties of activism and the issues this activism sought to address, particularly in rural places, have yet to be fully explored.

CRLA's story deepens this historiographical turn by situating the War on Poverty in the context of rural California's farm economy, one of the most important within the United States. Large, highly productive farms reliant on low-wage labor characterized this economy. CRLA formed amid a wave of unionization aiming to strengthen the economic position of California's farmworkers, and the group devoted its resources to that cause.<sup>4</sup> The cases pursued by CRLA made a significant impact: litiga-

tion that focused on working conditions improved farmworkers' lives, and CRLA's actions on behalf of unionization helped them win the legal right to join a union. To be sure, CRLA did not seek land reform or redistribution but worked instead to bolster the bargaining power of farmworkers within an industrialized agricultural system. Nonetheless, CRLA's story reveals how the War on Poverty allowed for a critique of, and challenge to, the structural inequalities created by the farm economy.

Moreover, CRLA's history further illuminates the centrality of grassroots activists, in this case Mexican American farmworkers, in the War on Poverty. Like rural California more generally, farmworkers have yet to be integrated into War on Poverty scholarship.<sup>5</sup> While CRLA's use of litigation necessitates a focus on lawyers and cases, CRLA also relied on farmworkers to bring them complaints, and these farmworkers played a critical role in shaping CRLA's overall agenda. Like other participants in the local War on Poverty, farmworkers who allied with CRLA linked economic and racial inequality and fought against both. Farmworkers pushed CRLA's lawyers to take cases that struck at the root of their problems and that would have the broadest impact on farmworkers as a group.

CRLA's work also helps reframe historical scholarship on the Legal Services Program. Scholars have primarily analyzed the role of its lawyers and clients in the realm of welfare rights and expanding access to the welfare state.<sup>6</sup> CRLA's history shows how the program could be used to intervene in the problems of worker rights and labor exploitation. Some scholars have studied CRLA's role in banning the short-handled hoe, a tool that caused workers long-term bodily injury, from California's fields.<sup>7</sup> Yet CRLA's fight against the short-handled hoe was only one part of its labor-focused legal strategy. This essay places that case within CRLA's broader activities and vision of agricultural reform that sought to strengthen the position of California's farmworkers as workers.

CRLA engaged in a wide variety of legal actions, but this study will focus on its high-impact cases. These cases revolved around problems of working conditions, labor exploitation, and unionization. While numerically less significant, they represented cases that CRLA's attorneys and clients believed were most important and reflective of the sort of work CRLA should do. By the end of the 1970s, changes in the broader farmworker movement, agricultural economy, and federal funding for legal services challenged the ability of CRLA to carry out this mission. Nonetheless, CRLA's early successes shine new light on the rural War on Pov-

erty and highlight the significance of grassroots opposition to entrenched agricultural inequality and poverty.

The roots of that poverty lay in the structure of California farming. Beginning in the late nineteenth century, a system of agriculture characterized by highly capitalized large farms developed in this region. Compared to farms in other parts of the United States, California's farms were bigger and concentrated in fewer hands. This particular pattern of ownership became increasingly prominent in the decades following the 1930s. Between 1935 and 1954, the number of California farms decreased from 150,360 to 123,075. While the net total declined, the number of farms over one thousand acres increased.<sup>8</sup> These farms also commanded much of the state's farm sales: by the 1960s, just over 5 percent of California's farms harvested nearly half of its crop land.<sup>9</sup>

Low-wage labor, particularly from nonwhite workers, underpinned this economy. California's growers relied on a succession of Chinese, Japanese, and Filipino workers, and by the 1920s many workers were of Mexican descent. During the harvest, these workers often migrated from farm to farm. For many, the migration began in Mexico and carried them throughout California's agricultural valleys. While laboring on particular farms, workers frequently stayed in camps with substandard living conditions and worked under oppressive foremen.<sup>10</sup>

The state played a critical role in nurturing this system. Twentieth-century federal irrigation projects transformed California's large valleys into fertile fields.<sup>11</sup> New Deal price and crop support programs also subsidized and insured farmers and tended to privilege those who already had large operations. While the federal government aided growers, key New Deal labor laws did not protect farmworkers.<sup>12</sup> State universities and agricultural experiment stations also performed important farm-based research and demonstration projects that tested the latest techniques. Finally, the federal government assisted growers in recruiting foreign labor, most notably between the 1940s and 1960s when it helped them hire workers from Mexico with the Bracero Program. This support ultimately forged an alliance between the state and federal governments and California's growers.<sup>13</sup>

California's growers also possessed a fairly unified set of beliefs shaped by their shared engagement with similar farming circumstances. They envisioned California agriculture as possessing "exceptional features," particularly the need for highly liquid labor markets. Growers expected their

workers to be “civically unengaged and continually replaced.”<sup>14</sup> They believed that the cycle of planting and harvesting, and its inherent vulnerabilities, necessitated such an arrangement. Further, while growers valued state assistance, they rejected regulations that impinged upon their control over production. California’s growers institutionalized their worldview in organizations like the California State Farm Bureau and in periodicals like *California Farmer*. This ideological unity, combined with state support and economic power, frequently allowed them to wield great influence within the market and government. This structural power would raise significant hurdles for farmworkers and CRLA lawyers.<sup>15</sup>

Despite the entrenched power of California’s large growers, resistance to their dominance has been a regular feature of the state’s agricultural history. Benny Andrés documented the history of farmworker organizing in California’s Imperial Valley in the early twentieth century, and its violent suppression at the hands of growers.<sup>16</sup> In 1933 tens of thousands of workers, especially in cotton, launched a major strike that halted much of the farm economy and triggered aggressive repression from growers.<sup>17</sup> This opposition by growers did not prevent the building of a new postwar labor movement around Cesar Chavez, who, along with Dolores Huerta and Larry Itliong, pursued farmworker unionization through the United Farm Workers (UFW).<sup>18</sup>

Over the same period of time, Mexican Americans fought for justice in a variety of arenas not related to labor. The League of United Latin-American Citizens pursued equal civic participation for Mexican Americans throughout the Southwest in the mid-twentieth century.<sup>19</sup> In 1947 Mexican American civil rights activists won the landmark *Mendez v. Westminster School District* case. This case came out of California’s then agriculturally oriented Orange County and successfully challenged the segregation of Mexican American students.<sup>20</sup> This long history of political and economic organizing helped clear the ground for CRLA’s use of the legal system to help California’s farmworkers.

Litigation on behalf of the poor also predated CRLA. “Legal aid societies” first appeared in New York in the 1870s and by 1960 employed around four hundred attorneys. This small group of attorneys, however, could not effectively serve the nation’s estimated 50 million poor people.<sup>21</sup> Legal aid societies also received little funding. Private funds supported their activity, and, at their height in 1962, these societies spent only \$4 million providing legal support to the poor.<sup>22</sup> Moreover, legal aid societies did not see their

role as reforming society or even changing the law. Reginald Smith, one of the most vocal proponents of early legal aid, argued that US laws were “eminently fair” and that lawyers should focus only on expanding access to the justice system.<sup>23</sup>

Changes in the legal profession during the 1960s made the sort of legal activism pursued by CRLA possible. The period’s idealism gave birth to “new public interest lawyers” who wanted to use their profession to promote progressive change.<sup>24</sup> A 1964 article written by attorneys Jean and Edgar Cahn proved equally significant.<sup>25</sup> The Cahns criticized lawyers who did not see the social import of their profession and called for the creation of neighborhood law centers that would take up the causes of the poor. These centers would embed lawyers within the communities they served in order to make them better vehicles for reform.<sup>26</sup>

James Lorenz’s early career reflected these changes. Brooklyn-born and a 1964 graduate of Harvard Law School, Lorenz moved to Los Angeles and practiced real estate law for a corporate law firm. Lorenz, however, had a strong streak of idealism and felt constrained by the large firm’s atmosphere. While he admitted to knowing little about farming, he worked for a time as legal counsel for the Emergency Committee to Aid Farm Workers but found the group’s urban location prevented it from genuinely helping farmworkers.<sup>27</sup> Lorenz’s discontent pushed him to create a group in line with the Cahns’s theory of neighborhood lawyering, and he found critical financial support in the recently declared War on Poverty.

The War on Poverty’s Legal Services Program (LSP) combined the new enthusiasm for reform among young attorneys and the Cahns’s ideas of neighborhood lawyering to reshape legal aid. By 1967 the LSP had disbursed \$42 million to legal services organizations throughout the United States for the creation of neighborhood law centers.<sup>28</sup> In contrast to the practice of legal aid societies, LSP guidelines maintained that funded groups should pursue law reform in addition to expanding access to the legal system.<sup>29</sup> Lorenz put the matter more starkly and argued that legal services should be “concerned with the reallocation of power.”<sup>30</sup> To be sure, the LSP did not grant lawyers total freedom. They could not take criminal or fee-generating cases, or, more importantly for CRLA, represent unions.<sup>31</sup>

In his applications for funding from the Office of Economic Opportunity (OEO), which administered the War on Poverty from Washington, DC, Lorenz placed farmworkers’ problems at the center. He highlighted in

particular the impact of weak labor regulations. Given the poverty line of \$3,000, for example, Lorenz showed that approximately 84 percent of California's three hundred thousand farmworkers lived in poverty in 1965.<sup>32</sup> Lorenz argued that a key source of this poverty was the fact that New Deal protections for industrial workers did not extend to people who labored on the farm. The 1935 National Labor Relations Act did not extend collective bargaining rights to farmworkers, and the workplace regulations of the 1938 Fair Labor Standards Act did not apply to the fields.<sup>33</sup>

Lorenz also argued that power imbalances in the farm economy exacerbated farmworkers' problems. Lorenz believed that an "inequitable distribution of wealth and power" characterized California agriculture and that CRLA must "develop long-range remedies which would assist the poor as a class and not just isolated individuals."<sup>34</sup> This analysis shaped his rationale for constructing a statewide, as opposed to a local, program. Lorenz argued that growers had already "amalgamated into regional or state-wide groups," so CRLA must do the same.<sup>35</sup> Lorenz therefore understood agriculture in terms of class conflict and believed the solution to farmworker poverty could be found in organizing workers.

While Lorenz emphasized class issues, he also factored the racialized character of California's agriculture into his analysis. CRLA highlighted the problems faced by people of Mexican descent, given their predominance in the labor force. California's growers believed these workers had certain physical and psychological characteristics that suited them for the conditions of farm labor.<sup>36</sup> Lorenz argued that these workers faced racial discrimination on top of labor exploitation and that the two worked together to worsen their poverty.<sup>37</sup> CRLA's attorneys also knew that racism extended beyond the field. The group took cases that affected Mexican American farmworkers in the realms of education, municipal services, housing, and access to welfare.<sup>38</sup>

Although Lorenz and CRLA's attorneys believed litigation could ameliorate farmworker poverty, they understood its limitations. Gary Bellow, who worked in legal aid societies in New York and Washington, DC, before serving as deputy director for CRLA, believed that law reform, no matter how radical, would be inadequate.<sup>39</sup> Bellow argued that "the problem of unjust laws is almost invariably a problem of distribution of political and economic power."<sup>40</sup> Without strict enforcement, legal changes carried little weight. Lorenz also included social movements in his vision of an effective legal service group. He argued that CRLA's legal action

would have to be a “catalyst for political consciousness and organizing” outside the courtroom as well.<sup>41</sup> Thus, CRLA’s attorneys did not see the law as the final arbiter of farmworker problems.

The program crafted by Lorenz matched the LSP’s agenda, and the OEO funded CRLA generously. CRLA initially received \$1,276,138 (Lorenz had asked for less) in 1966. With that money, CRLA opened a central office in San Francisco as well as nine offices in important agricultural areas in the state. The regional offices in Madera, Santa Rosa, El Centro, Salinas, Santa Maria, McFarland, Modesto, Gilroy, and Marysville formed the organization’s spine and put it in close contact with farmworkers.<sup>42</sup> Lorenz had originally intended to establish an office in Delano because of its links to ongoing farmworker struggles. Sargent Shriver, the OEO’s first director, suggested locating it in nearby McFarland to minimize the ire of growers.<sup>43</sup> CRLA’s funding coincided with the formation of similar legal assistance groups in Texas, Florida, and other southern agricultural states.<sup>44</sup>

CRLA also used its funds to recruit attorneys who, in general, shared Lorenz’s elite educational background. Almost all graduated at the top of their classes and received degrees from law schools including Harvard, Boalt Hall, and the University of Michigan. Not only did these attorneys receive their education in urban areas, they largely worked in cities before arriving in rural California. Nonetheless, their desire for social change led them to leave the city and establish themselves in farm country.<sup>45</sup> CRLA’s trouble in hiring lawyers of Mexican descent meant that the legal team was mostly “Anglo” in background. In 1971 Lorenz declared that CRLA’s attempts to hire Mexican American attorneys to better reflect its clientele had failed. He proffered that CRLA’s failures here reflected the highly competitive job market for Mexican American attorneys, which meant they could fetch a salary CRLA could not match.<sup>46</sup>

Talented lawyers aside, CRLA’s formation would have been far less successful without the larger mobilization of California’s farmworkers. CRLA formed amid intense farmworker organizing throughout the Southwest that led to the formation of the UFW.<sup>47</sup> Chavez and Itliong also served initially on CRLA’s board.<sup>48</sup> Chavez did express some skepticism of CRLA, however, primarily because OEO restrictions limited its ability to help the union directly.<sup>49</sup> At least one farmworker found this constraint too frustrating. When Lorenz informed him that he could not strike with the union, the worker told Lorenz to “go to hell” and quit CRLA.<sup>50</sup> None-



theless, the growing farmworker movement provided CRLA with a reservoir of potential clients, legal actions, and the momentum to challenge entrenched grower power.

While at least one farmworker quit over CRLA's inability to walk the picket line, many more joined. Indeed, CRLA took seriously the OEO's mandate to achieve the "maximum feasible participation" of the poor.<sup>51</sup> CRLA gave decision-making authority to California's rural poor, and those who became involved in CRLA shaped its pro-labor agenda. For example, Citizens Advisory Councils, populated by farmworkers and other clients, helped decide the sorts of cases attorneys should pursue. Councils formed at CRLA's regional offices and a representative from each council sat on CRLA's board of directors.<sup>52</sup> Council members demanded that CRLA take cases that would "maximize the bargaining position of the poor" and improve field conditions.<sup>53</sup> The councils' demands also impacted the decisions made by the board of directors. One board statement said that CRLA should focus on "eliminating the causes of poverty and the conditions of inequality" and that "Cases affecting the employment of poor people" should receive top priority.<sup>54</sup> These statements provide important insights into how farmworkers conceived of their situations. Labor issues emerged as central problems CRLA's clients wanted the group to address.

CRLA also incorporated "community workers" into its operation, and these community workers pushed a labor-focused agenda. Because they often had farm work backgrounds themselves, community workers helped CRLA attorneys discover and understand problems faced by many farmworkers. They also interviewed clients and did investigative fieldwork. Many spoke both English and Spanish and therefore became a critical link between Anglo lawyers and Spanish-speaking farmworkers.<sup>55</sup> Rueben Rodriguez exemplified the role of community worker in CRLA. Before joining CRLA, Rodriguez worked with the Central California Action Association, which provided basic education and vocational training to the area's seasonal workers.<sup>56</sup> Rodriguez worked in CRLA's Madera office and responded to complaints of field violations by investigating and filing reports. Before he filed paperwork, Rodriguez worked with the growers and the California Farm Bureau, which oversaw field conditions, to bring about voluntary compliance. Because growers and the state farm bureau seldom cooperated with CRLA, Rodriguez's research played a critical role in informing CRLA's litigation.<sup>57</sup>

The community workers involved with CRLA also provided their own

analyses of farmworker poverty. Community workers articulated their ideas through the formation of a union. Because CRLA's caseload regularly numbered in the thousands each year, these workers initially sought to impose limits on the number of cases on which they worked.<sup>58</sup> Gilbert Flores led the charge. Born in Lemoore, California, he had worked in the fields since the age of five, and his parents, who migrated from Mexico, participated in the great cotton strike of 1933. Flores learned to organize laborers working first with the Community Service Organization in 1957, then with the UFW.<sup>59</sup> Writing on the necessity of a community workers union, Flores declared that unions played a role "essential to the economic, social, and political freedom of society," and that "under prevailing economic conditions," unorganized workers could not secure good wages or working conditions.<sup>60</sup> Flores's rhetoric complemented that of Lorenz and should be read as a critique not only of the situation of community workers, but of the conditions faced by workers more broadly. The union succeeded in winning wage increases, insurance benefits, and caseload limitations for community workers.<sup>61</sup>

The issues faced by community workers extended beyond workload. A conflict between Flores and Edward Mattison, who coordinated community worker training, suggests that racism surfaced within the group. Flores complained that Mattison abused his authority and failed to understand farmworkers. In a suggestive statement, Flores claimed that "we would rather lose our jobs than be pushed around because we are Mexicans and defeat the purpose for which we were hired." Flores not only highlighted racial tension within CRLA but also suggested that workers of Mexican descent in CRLA linked economic with racial justice. A union offered a way for these community workers to stake a claim for equality within CRLA, even as they fought with the lawyers against growers. CRLA's lawyers and farmworkers ultimately shared a critique of agriculture and the conditions of its workers that foregrounded labor empowerment as the solution. These shared assumptions laid the groundwork for their collaboration in litigation that sought to reshape California agriculture.

CRLA's use of LSP funds to reform California's farm economy began early on in the group's history. One of its most significant cases started in 1967 and morphed into two suits: *Wetherton v. Martin Produce Co.* and *Wetherton v. Growers Farm Labor Association*. These suits revolved around the question of growers' ability to fire workers for unionization. Section 923 of California labor law affirmed that workers had the right to "full

freedom of association, self-organization, and designation of representatives of [their] own choosing ... and that [they] shall be free from the interference, restraint, or coercion of employers of labor, or their agents.”<sup>62</sup> While California’s labor law appeared to apply to all workers, federal law did not extend collective bargaining rights to farmworkers. By pursuing these cases, CRLA hoped to clearly define the right of farmworker unionization.

These cases came out of CRLA’s field office in Salinas, located in one of California’s most fertile valleys and a central hub of farmworker organizing. Robert Gnaizda and Martin Glick served as the office’s lawyers. Before running the Salinas office, both men worked on civil rights cases for the Justice Department in Mississippi.<sup>63</sup> Four community workers staffed the office, including two farmworkers and an organizer named Hector De La Rosa. CRLA hired De La Rosa following his success in civil rights organizing and securing federal funds to build better housing for farmworkers in Soledad.<sup>64</sup> De La Rosa’s abilities fit well with the sort of office Gnaizda sought to build, one focused on helping farmworkers expand their bargaining power.<sup>65</sup>

In August 1967 carrot grower John Martin, owner of Martin Produce Co., fired nine farmworkers after he discovered they had joined the UFW. The first farmworker to be fired at Martin Produce, Manuel Ortiz, told Gnaizda about an altercation he had with Martin shortly after being fired. Ortiz met with Martin, an unnamed field foreman, and E. James Houseberg, the vice president of both the Growers Farm Labor Association and the Grower-Shipper Vegetable Association. Martin Produce belonged to both organizations. During this meeting, Ortiz recounted that Houseberg questioned him extensively about union activity. Houseberg told Martin during this meeting that “all of his employees could be fired because the unions had no power” in the area. Houseberg then commanded Ortiz to tell the others attempting to organize that “they would be fired if they joined a union.” On August 8, when Martin learned that eight other men had joined the union, he fired them.<sup>66</sup>

Ortiz’s story proved to be crucial for the suits brought by CRLA’s Salinas office. The attorneys argued in *Wetherton v. Martin Produce Co.* that Martin and his company violated the policy established by section 923 and could be tried under section 922, which stated that any person who “coerces or compels” an employee not to join a union as a condition of employment is guilty of a misdemeanor.<sup>67</sup> Ortiz’s account of the cooper-

ation between Martin and Houseberg also allowed CRLA to bring a suit against Houseberg and the two grower associations. Gnaizda and Glick argued in *Wetherton v. Growers Farm Labor Association* that Houseberg and the associations formed a conspiracy to deny Ortiz and the others their labor rights and should be found guilty of violating sections 922 and 923 of the California labor code.<sup>68</sup>

In their suit against Martin Produce, Gnaizda and Glick settled with the carrot grower out of court and managed to get Ortiz and the other workers reinstated. However, Houseberg's lawyer, Andrew Church, challenged the suit against his client in California's First District Court of Appeal. There, Church argued that sections 922 and 923 only applied to so-called "yellow dog contracts"—those an employee signed that promised he or she would not unionize. Church further argued that because the associations did not employ the fired workers, they could not be held liable under labor law. The court disagreed. In its decision, it argued that a 1961 case rendered the meaning of sections 922 and 923 clear: they applied not only to yellow dog contracts but to all forms of coercion. Church's other claim proved stickier. The court admitted the associations did not employ the workers, but Ortiz's testimony clearly suggested they formed a conspiracy to violate labor law. The court argued that Houseberg made statements with "menacing connotations concerning union activity" and, given the cooperation between Houseberg and Martin in their interrogation of Ortiz, suggested the existence of a "joint project for Martin to discharge appellants and for Houseberg to influence other growers" not to hire them.<sup>69</sup> The court ultimately found Houseberg and the growers' associations also responsible for illegally firing the farmworkers.

The court's ruling affected both the individual workers and the broader farmworker movement. The case revealed the extent of grower power in California but also that it could be effectively challenged. The court awarded the workers damages, future preference for jobs at Martin Produce, and an agreement between Martin and the workers to pay the latter no less than \$4,500 each year they worked.<sup>70</sup> *El Malcriado*, the UFW's newspaper, hailed the cases as "historic" decisions that finally placed farmworkers under the protection of California labor law.<sup>71</sup> Indeed, the cases forged a major step forward in legalizing farmworker unionization by proving that state labor law protected farmworkers. They also served as important precursors to the 1975 Agricultural Labor Relations Act, which provided a legal framework for collective bargaining on the farm.<sup>72</sup>

At almost the same moment that CRLA took up the unionization case, its lawyers in the Modesto office targeted the ability of growers to hire imported labor. This decision to fight labor importation further reveals the ways CRLA hoped to mobilize War on Poverty funds to fight rural inequality. While the Bracero Program formally ended in 1965, the Labor Department continued to help growers hire Mexican workers.<sup>73</sup> CRLA attorney Sheldon Greene, based in Modesto, argued that the ability of growers to easily hire foreign workers at wages lower than the domestic rate undercut farmworker unionization.<sup>74</sup> Greene's reasoning here complemented the UFW's controversial opinion. Chavez in particular viewed preventing labor importation from Mexico as crucial to strengthening the union.<sup>75</sup> The UFW published reports detailing the failure of Immigration and Naturalization Services to prevent border crossing and demanded that it forcibly remove these workers from the fields and deport them.<sup>76</sup>

As in the *Wetherton* cases, farmworkers prompted CRLA's intervention. Modesto-area tomato pickers filed a complaint with Greene and told him that growers replaced them with Mexican workers. These growers had in fact requested Labor Department assistance in getting 8,100 workers from across the border.<sup>77</sup> Replacing domestic workers with foreign ones violated Labor Department protocol. Greene investigated further and found that growers also flouted minimum wage and housing rules governing labor importation.<sup>78</sup> Greene filed an injunction with the US district court in San Jose and presented evidence that tomato growers did not follow Labor Department standards.<sup>79</sup> Greene named Labor Department secretary Willard Wirtz, the department itself, and the growers in the suit and sought a temporary block on further labor importation until a stronger mechanism for enforcement of rules could be devised.<sup>80</sup>

The injunction lasted just over two weeks, but its timing, in the middle of the tomato harvest, all but ensured an angry reaction from growers. Bob Meyer, a King City tomato grower, decried what he called CRLA's "harassing legal maneuvers" that prevented him from harvesting his crop.<sup>81</sup> Les Hubbard, executive assistant for the Council of California Growers, argued that as a result of the suit growers found it better "to lose part of their crops than harvest them at exorbitant costs."<sup>82</sup> The council estimated the suit cost growers nearly \$500,000.<sup>83</sup> One US senator from California, Republican George Murphy, blasted the use of tax dollars to sue the government and demanded Shriver "fire" James Lorenz for "improper and irresponsible action."<sup>84</sup> CRLA also faced criticism from the Democratic

Party. US congressional representative B. F. Sisk of the Fresno area wrote President Johnson that CRLA's suit would destroy his "constituents," by which he meant the state's growers, not the farmworkers.<sup>85</sup>

The suit ultimately ended in something of a stalemate. CRLA dropped the case when Wirtz agreed going forward to publicly disclose all requests for foreign farm labor and hold hearings when grievances arose.<sup>86</sup> Further, in 1968 the Labor Department established a committee to review the processes for labor importation. Growers and labor representatives chosen by CRLA would sit on the committee.<sup>87</sup> CRLA chose Chavez, Bert Corona of the Mexican American Political Association, and Mike Peevey, a representative from the California AFL-CIO. When it came time for the committee to meet in March 1968, however, the growers had not chosen any representatives and in fact boycotted the meeting altogether. Richard Thornton, manager of the California-Arizona Farm Labor Association, called it a "pressure play ... to force recognition of the unions." Lorenz expressed amazement that the growers would resist the government "by refusing to meet in the same room with representatives of labor and the Mexican American community."<sup>88</sup> Wirtz punished growers by refusing to provide them with foreign workers for the rest of 1968.<sup>89</sup> Wirtz's decision provided CRLA with a significant, albeit temporary, victory that made it more difficult for growers to employ strikebreaking laborers hired abroad.<sup>90</sup> CRLA nonetheless abandoned the issue soon after, and the case suggests the limits of a litigation-based strategy in the face of overwhelming grower power, their demand for cheap labor, and the state's willingness to acquiesce.

A third case, originating in the Salinas office, operated at the nexus of welfare and labor rights and further illustrates CRLA's efforts to reform California agriculture. The case, *Ramos v. County of Madera*, stemmed from the closure of Madera's schools for the week of September 18, 1967, in order to help growers get labor for an emergency grape harvest. The Madera County Welfare Department also assisted growers by visiting recipients of Aid to Families with Dependent Children (AFDC) and telling them they would lose their benefits unless they and their children over the age of ten worked the harvest. One welfare department caseworker told the Segovia family, for example, that the mother's disabled arm and need to care for her developmentally disabled child should not prevent them from working in the fields. The caseworker made harassing phone calls to the Segovia household and forced the mother to leave the child unattended

at home while she worked. Members of the Valera, Vega, Segovia, and Ramos families, who eventually sought CRLA's help, all complied and worked under what they testified to be substandard conditions. The fields had no toilets, first aid kits, or clean drinking water. One child fell ill as a result of the work, and another was injured. Ultimately, these families had their assistance revoked because the welfare department deemed their work inadequate.<sup>91</sup>

The families originally appealed to the Madera County Welfare Department to have their benefits reinstated. After several months of silence from welfare officials, they sought the help of CRLA attorneys Dennis Powell, Maurice Jourdan, and Ralph Abascal. Powell filed a suit in the Madera County court against the county government, the welfare department, and its officials, charging that they violated statutes governing field conditions and broke child labor laws by forcing children under the age of sixteen to work. Powell and his clients sought damages and class injunctive relief, in this case demanding that the welfare department stop breaking welfare and labor law. The attorneys for the defendants, Roy Wolfe and Edward Chidlaw, challenged Powell's case because the AFDC recipients had not exhausted the administrative grievance processes. They further argued that the welfare department's actions fell within its "discretion" and that the department could not be held liable for damages. The judge, Thomas Coakley, sided with the county.<sup>92</sup>

Powell appealed to the California Supreme Court, where he eventually found success. Here, Powell restated his previous arguments but also argued that his clients had not exhausted the welfare department's remedies because it could not reward damages or class injunctive relief. Thus, the court would have to settle this matter. The justices unanimously agreed that, because the welfare department only dealt with individual cases, the class-action nature of this case fell out of its bounds. Further, they found that the defendants violated state welfare law by creating new eligibility requirements, which only the state could do, by making the families work in an emergency harvest. Finally, the defendants violated their duty to "obey legislative enactments" by forcing people to work under conditions that violated California's labor code. CRLA's clients received their damages, and the court issued an injunction against the defendants.<sup>93</sup> Like other CRLA cases, *Ramos* had a broader impact. As a result of the decision, welfare recipients in California had the ability to sue welfare department employees and their employers, as well as other state officials responsible

for causing injury. According to legal scholar Timothy Muris, welfare recipients could now better force public employees to “fulfill their duties of care.”<sup>94</sup> CRLA’s litigation, shaped by farmworkers, ultimately provided an effective challenge to the intertwined power of growers and the state.

These successes, however, also engendered significant opposition. Indeed, hostility toward CRLA materialized quickly, even before it began winning controversial cases. Soon after CRLA received funding in 1966, the California State Bar, whose members often supported growers, enacted an anti-CRLA resolution. The board saw nefarious purposes in CRLA and attacked it for championing “militant advocacy ... [for] the contentions of one side in an economic struggle now pending.” Clinton Bamberger, the LSP’s director, called this analysis “about the best ... definition of the War on Poverty” he had heard.<sup>95</sup> In a 1966 *Fresno Bee* article, O. W. Fillerup, vice president of the Council of California Growers, called CRLA an illegitimate “social project to aid the rural poor.”<sup>96</sup> Though Lorenz dismissed Fillerup’s comments as a reflection of his “bourgeois ideology,” he could not deny that CRLA intended to aid California’s farmworkers and challenge the power of growers over them.<sup>97</sup>

Following the decisions in CRLA’s suits, opposition became more concrete. California governor Ronald Reagan emerged as its leader, and his anti-CRLA campaign reflected his larger efforts as governor to restrict access to social services in the state.<sup>98</sup> In 1970 Reagan began compiling a case against CRLA that would justify stripping it of its OEO funding.<sup>99</sup> Governors could veto funding for anti-poverty programs within their states but had to provide proof that the program violated OEO rules. To build his case against CRLA, Reagan hired Lewis Uhler to head the California state OEO. Uhler’s past suggested he would not be favorable to CRLA. John Rousselot, director of public relations for the John Birch Society, suggested Uhler to Reagan. After graduating from Boalt Hall in 1958, Uhler worked with the John Birch Society under Rousselot, who recommended Uhler because he had a “reputation for being painstaking and thorough in research.”<sup>100</sup> Uhler put his skills to work in the creation of the 1970 *Report of the Office of Economic Opportunity Commission on California Rural Legal Assistance*, which formed the basis for Reagan’s case against CRLA.<sup>101</sup>

Uhler composed his report with evidence culled from a questionnaire sent to 3,400 judges and attorneys in California and from interviews he conducted with past clients and defendants in CRLA cases.<sup>102</sup> Uhler’s report levied three charges. First, CRLA cooperated illegally with the UFW.



Second, CRLA ignored clients in order to “chase” class-action lawsuits. Finally, the group had subverted “local control,” meaning that it often operated, with federal funding, against the wishes of local bar associations.<sup>103</sup> The credibility of Uhler’s report proved dubious. Only the first charge actually violated OEO rules.<sup>104</sup> Even conservative columnist James Kilpatrick called it as biased as an “evaluation of the Chicago Police by Eldridge Cleaver.”<sup>105</sup> Nonetheless, the report provided Reagan with what he needed to try to undermine CRLA, and on December 26, 1970, Reagan told the federal OEO he intended to veto its funding.<sup>106</sup>

While CRLA would eventually be cleared of these charges, that outcome could not be guaranteed. It seemed at first that CRLA would be sacrificed on the altar of Republican Party politics. President Richard Nixon and Governor Reagan represented the party’s different wings, and Nixon knew he needed the support of the popular conservative figure going into the 1972 election.<sup>107</sup> Nixon told Republican moderates in California not to “attack Reagan in any ideological dispute” because they needed California’s support at the 1972 convention.<sup>108</sup> Reagan also used his office to spread the report’s claims while simultaneously preventing reporters from taking copies home, to preclude the report from being effectively scrutinized.<sup>109</sup> Finally, Reagan framed a short-term refunding of CRLA, which the OEO provided until the report could be investigated, as part of a gradual phasing out of the program.<sup>110</sup>

The OEO established a commission composed of three Republican judges to investigate the report’s claims. Hearings began on March 27, 1971, and spanned fifteen days. The commission interviewed over two hundred witnesses.<sup>111</sup> Reagan and Uhler refused to participate because they did not want a public and adversarial commission, which would subject the report to critical scrutiny, and instead desired a fact-finding committee.<sup>112</sup> While the hearings transpired, Reagan continued his media campaign and insinuated that CRLA firebombed an office occupied by former defendants in a CRLA suit.<sup>113</sup> Nonetheless, the commission cleared CRLA of all charges. It condemned Uhler and his report, stating that it “unfairly and irresponsibly subjected” CRLA attorneys to “totally unjustified attacks.”<sup>114</sup> Following the ruling, the OEO fully refunded CRLA.<sup>115</sup>

Though CRLA secured its federal funding, Reagan’s attacks had a destabilizing effect on legal services and the War on Poverty.<sup>116</sup> LSP supporters called for a politically independent body to administer the program that would be insulated from threats posed by politicians like Reagan.

Nixon also sought such a program, if for different reasons. After his own confrontation with Reagan, Nixon wanted an independent program so his administration could be shielded from LSP controversies.<sup>117</sup> Congressional debates over how much power the president should have to appoint directors of the new legal services program prevented a quick resolution, but by July 1974 President Gerald Ford signed into law the Legal Services Corporation Act. This act established a new body, the Legal Services Corporation (LSC), to oversee the program.<sup>118</sup>

Scholars disagree about the law's impact. It had certain advantages, such as instituting a goal of minimum access that required that two legal services lawyers exist for every ten thousand individuals. While the ratio seems low, it provided the LSC with a rationale to expand.<sup>119</sup> The act did not, however, provide political insulation for legal services. The LSC depended on Congress for funds, and the president had the power to appoint all members of the corporation's board of directors.<sup>120</sup> Further, some have argued that the creation of the LSC turned legal services into a bureaucracy and dulled its potential for law reform.<sup>121</sup> Others have contended, however, that law reform flourished in the 1970s and that legal services for the poor would not see their true demise until 1996 as part of President Bill Clinton's broader restructuring of the welfare state.<sup>122</sup>

CRLA's efforts toward banning the use of short-handled hoes suggests that uncertainty surrounding legal services did not prevent CRLA from taking cases that sought to reform California agriculture. The short-handled hoe came to California with Japanese farmworkers in the late nineteenth century, and its size allowed for precision in shaping soil, removing weeds, and harvesting. However, Japanese farmworkers never used the tool for long because it required them to bend over and strain their backs.<sup>123</sup> When growers replaced Japanese workers with other groups, they continued to require the tool's usage. They prized it for its accuracy and efficiency, but for other reasons as well. According to one field supervisor, he preferred the tool because with longer-handled hoes he could not "tell whether they are working or just leaning on their hoes. With the short-handled hoe I know when they are not working by how often they stand up."<sup>124</sup> Thus, the tool became a way for growers to control workers and impose discipline.<sup>125</sup>

CRLA's work on the short-handled hoe grew out of farmworker agitation. When workers of Mexican descent became dominant in California's fields, they quickly came to despise the tool, which they referred to as *el*

*cortito*, or “the short one.”<sup>126</sup> Workers regularly resisted its use but failed to have it removed from the fields.<sup>127</sup> CRLA’s lawyers did not originally target the tool as part of their reform efforts, and it only became part of their agenda because farmworkers demanded that CRLA address it. In 1969 Jourdane and community worker Harry Cantu visited a labor camp outside Salinas as part of a project documenting farmworker housing. One farmworker became exasperated with Jourdane and Cantu’s focus on housing and exclaimed, “This is bullshit! There are real problems for you to deal with, like *el cortito*.” According to Jourdane, the man’s fellow farmworkers “supported his demand.” After further visits to the camp, Jourdane and CRLA decided to take on *el cortito*.<sup>128</sup>

After several years of research and interviews, in 1972 Jourdane brought his case against the tool to California’s Industrial Safety Board (ISB), an administrative body responsible for workplace safety regulations. Governor Reagan appointed ISB board members, so Jourdane knew his case would be difficult. However, ISB decisions could be appealed to the state supreme court, where Jourdane believed he would have better luck.<sup>129</sup> Jourdane argued that the use of the hoe violated Title 8 of the ISB code, which banned unsafe hand tools. He contended that the ISB, which believed Title 8 applied only to faulty or broken tools, held an overly narrow interpretation. Jourdane presented testimony from farmworkers who complained of the long-term injury the tool caused them and the way growers used it to control their labor. They also stated that a long-handled hoe worked as efficiently as its shorter counterpart. Further, Jourdane presented evidence from doctors who incontrovertibly stated that the tool damaged farmworker bodies. In contrast, growers who argued against CRLA presented no clear counter-evidence but instead claimed that opponents exaggerated the effects of the tool’s use. They testified that damage resulted only from improper use.<sup>130</sup>

Jourdane’s instincts about the ISB proved correct. The board ruled in July 1973 that the tool could be used in California’s fields and that Title 8 only applied to defective tools. Jourdane immediately appealed to the California Supreme Court, which accepted the case. Evelle Younger, the state’s attorney general who presented the ISB’s case, argued that the court could not overturn the ISB’s ruling because CRLA sought a new regulation from the ISB specifically banning the hoe. Justice Matthew Tobriner easily dismissed this argument, however, and claimed CRLA clearly wanted a broader interpretation of an existing regulation, on which the court could

rule. Tobriner argued that the ISB too narrowly interpreted its statute against unsafe hand tools and maintained that nothing in the rule, which only stated that “unsafe hand tools shall not be used,” justified the ISB’s interpretation. Further, Tobriner argued that other ISB statutes demanded that rules should be given a “liberal interpretation” to ensure worker safety. Tobriner ultimately did not reverse the ISB’s decision but commanded it instead to rethink its decision in light of his argument.<sup>131</sup> Fortunately for CRLA the recent election of Democratic governor Jerry Brown, seen as sympathetic to farmworkers, changed the composition of the ISB, and on April 7, 1975, the ISB finally issued a ban on *el cortito*.<sup>132</sup>

In spite of CRLA’s successes, by the end of the 1970s and early 1980s the climate in which it operated shifted and became less hospitable. For example, the UFW’s decline undermined a critical base of CRLA’s support and vitality.<sup>133</sup> Changes in California’s agricultural economy also challenged CRLA’s unionization victories. Growers circumvented union contracts by breaking their operations into smaller pieces and contracting with nonunion labor. Further, shipper-retailers, who became increasingly powerful in a food supply chain controlled by supermarkets, also bypassed unions by working with nonunion contractors.<sup>134</sup> Some of CRLA’s victories also proved to be short lived. In the early 1980s reports stated that *el cortito* had been spotted once again in the fields.<sup>135</sup> Further, public officials frequently ignored the court injunctions made possible by *Ramos* because they knew post-decision oversight would be minimal.<sup>136</sup> These examples substantiated Lorenz and Bellow’s arguments that legal activism without strong enforcement from the state and social movements would do little to protect courthouse victories.

Finally, budget cuts and changes in the rules governing the LSC weakened CRLA’s position. As president, Reagan continued his attacks on legal services for the poor by slashing the LSC’s budget and obstructing its operation by nominating board members hostile to its mission.<sup>137</sup> Another blow came from President Bill Clinton. Aside from further budget cutting, Clinton’s administration issued a new rule prohibiting LSC-funded groups from engaging in class-action lawsuits.<sup>138</sup> These laws made it very difficult to represent farmworkers as a group and to achieve far-reaching reforms.

CRLA’s history of legal activism, particularly its labor-focused peak in the 1960s and 1970s, nonetheless illuminates an underexamined component

of the War on Poverty. While early interpretations of the War on Poverty portrayed it as a limited intervention at best, recent scholars have begun to refocus our understanding of this reform moment by placing local struggles and grassroots activists at its center. They have shown how poor people, often people of color, used federal funds to craft anti-poverty programs that addressed issues of structural economic and racial inequality. However, the rural, farm-oriented reforms of CRLA have yet to receive adequate attention from scholars. Much like their counterparts in cities and small towns across the United States, CRLA's attorneys sought to use the legal system to reform the deeply unequal farm economy in California. CRLA focused on improving the bargaining position of California's farmworkers through legal actions that bolstered unionization, improved field conditions, and checked the abuses of grower power. Poor people, in this case primarily Mexican American farmworkers, also played a critical role in shaping CRLA's efforts. They brought complaints to attorneys, investigated field conditions as community workers, and influenced CRLA's labor-focused strategy while sitting on the organization's board.

Moreover, while the environment in which CRLA operates is less hospitable, it nonetheless continues to provide critical assistance to California's rural communities. Labor issues, along with education, housing, and health care, remain at the center of CRLA's work. The organization's attorneys provide daily assistance to the state's rural workers by helping them collect unpaid wages, enforce minimum wage laws, prosecute violations of health and safety codes, and fight against sexual harassment and assault on California's farms.<sup>139</sup> The organization has also played an important role in raising awareness of issues faced by indigenous farmworkers who have migrated primarily from the Mexican states of Oaxaca, Michoacán, Guerrero, and Chiapas, and who make up as much as 25 percent of California's farmworkers.<sup>140</sup> The continued advocacy of CRLA on issues critical to the livelihoods of farmworkers and other rural Californians speaks not just to the longer legacy and impact of the War on Poverty but, more importantly, to the organizing and activism of its founding attorneys and farmworkers, who made CRLA into a powerful advocate for farm laborers.

## NOTES

1. Charles A. Murray, *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1984); Allen Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York: Harper and Row, 1984); Ira Katznelson, “Was the Great Society a Lost Opportunity?” in *The Rise and Fall of the New Deal Order, 1930–1980*, ed. Steve Fraser and Gary Gerstle (Princeton: Princeton University Press, 1989); Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton: Princeton University Press, 2001). While Julian Zelizer’s recent work finds more to celebrate in 1960s social policy, it largely focuses on federal-level policymakers. Julian E. Zelizer, *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society* (New York: Penguin Press, 2015).

2. Annelise Orleck, *Storming Caesar’s Palace: How Black Mothers Fought Their Own War on Poverty* (New York: Beacon Press, 2005); Wesley G. Phelps, *A People’s War on Poverty: Urban Politics and Grassroots Activists in Houston* (Athens: University of Georgia Press, 2014); Kent B. Germany, *New Orleans after the Promises: Poverty, Citizenship, and the Search for a Great Society* (Athens: University of Georgia Press, 2007); Annelise Orleck and Lisa Gayle Hazirjian, eds., *The War on Poverty: A New Grassroots History, 1964–1980* (Athens: University of Georgia Press, 2011); Robert Bauman, *Race and the War on Poverty: From Watts to East L.A.* (Norman: University of Oklahoma Press, 2008); Rhonda Y. Williams, *The Politics of Public Housing: Black Women’s Struggles against Urban Inequality* (Oxford: Oxford University Press, 2005); William S. Clayson, *Freedom Is Not Enough: The War on Poverty and the Civil Rights Movement in Texas* (Austin: University of Texas Press, 2010); Gordon K. Mantler, *Power to the Poor: Black-Brown Coalition and the Fight for Economic Justice, 1960–1974* (Chapel Hill: University of North Carolina Press, 2013).

3. Susan Youngblood Ashmore, *Carry It On: The War on Poverty and the Civil Rights Movement in Alabama, 1964–1972* (Athens: University of Georgia Press, 2008); Thomas Kiffmeyer, *Reformers to Radicals: The Appalachian Volunteers and the War on Poverty* (Lexington: University Press of Kentucky, 2008); Francois N. Hamlin, *Crossroads at Clarksdale: The Black Freedom Struggle in the Mississippi Delta after World War II* (Chapel Hill: University of North Carolina Press, 2012); David Torstenson, “Beyond the City: Lyndon Johnson’s War on Poverty in Rural America,” *Journal of Policy History* 25, no. 4 (Winter 2013): 587–613; Ronald D. Eller, *Uneven Ground: Appalachia since 1945* (Lexington: University Press of Kentucky, 2008); Robert R. Korstad and James L. Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Inequality in 1960s America* (Chapel Hill: University of North Carolina Press, 2010).

4. For the larger history of farmworker mobilizations during this period, see Frank Bardacke, *Trampling Out the Vintage: Cesar Chavez and the Two Souls of the United Farm Workers* (New York: Verso, 2011); Mario T. Garcia, *The Chicano Movement: Perspectives from the Twenty-First Century* (New York: Routledge Press, 2014); George Mariscal, *Brown-Eyed Children of the Sun: Lessons from the Chicano Movement, 1965–1975* (Albuquerque: University of New Mexico Press, 2005); Matt Garcia, *From the Jaws of Victory: The Triumph and Tragedy of Cesar Chavez and the Farm Worker Movement* (Berkeley: University of California Press, 2014).

5. Indeed, the role of labor activists in general in shaping the War on Poverty has yet to be fully explored. See Robyn Muncy, “Coal-Fired Reforms: Social Citizenship, Dissident Miners, and the Great Society,” *Journal of American History* 96, no. 1 (June 2009): 72–98.

6. Martha F. Davis, *Brutal Need: Lawyers and the Welfare Rights Movement, 1960–1973* (New Haven: Yale University Press, 1995); Kris Shepard, *Rationing Justice: Poverty Lawyers and Poor People in the Deep South* (Baton Rouge: Louisiana State University Press, 2009); Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia: University of Pennsylvania Press, 2007).

7. Taylor Cozzens, "Defeating the Devil's Arm: The Victory over the Short-Handled Hoe in California Agriculture," *Agricultural History* 89, no. 4 (Fall 2015): 494–512; Douglas L. Murray, "The Abolition of El Cortito, the Short-Handled Hoe: A Case Study in Social Conflict and State Policy in California Agriculture," *Social Problems* 30, no. 1 (Oct. 1982): 26–39.

8. Fact Finding Committee on Labor and Welfare, *California's Farm Labor Problems* (Sacramento: Senate of the State of California, 1963), 17.

9. *California's Farm Labor Problems*, 18.

10. Benny J. Andrés, *Power and Control in the Imperial Valley: Nature, Agribusiness, and Workers on the California Borderland, 1900–1940* (College Station: Texas A&M University Press, 2016); Linda C. and Theo J. Majka, *Farmworkers, Agribusiness, and the State* (Philadelphia: Temple University Press, 1982); Bardacke, *Trampling Out the Vintage*.

11. Andrés, *Power and Control in the Imperial Valley*; Donald Worster, *Rivers of Empire: Water, Aridity, and the Growth of the American West* (Oxford: Oxford University Press, 1992).

12. Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton: Princeton University Press, 2016); Richard Kirkendall, *Social Scientists and Farm Politics in the Age of Roosevelt* (Columbia: University of Missouri Press, 1966); Paul E. Mertz, *New Deal Policy and Southern Rural Poverty* (Baton Rouge: Louisiana State University Press, 1978).

13. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

14. Elizabeth Lamoree, "The Managed Crisis: Labor Relations and Management in California, 1930–1980" (PhD diss., University of California, Santa Barbara, 2012), 12–13.

15. Steven Stoll, *The Fruits of Natural Advantage: Making the Industrial Countryside in California* (Berkeley: University of California Press, 1992); Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor* (Berkeley: University of California Press, 2000); Lamoree, "Managed Crisis," 16–17.

16. Andrés, *Power and Control in the Imperial Valley*.

17. Devra Weber, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1996); Abraham Hoffman, *Unwanted Mexicans in the Great Depression: Repatriation Pressures, 1929–1939* (Tucson: University of Arizona Press, 1974); Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971).

18. Bardacke, *Trampling Out the Vintage*; Garcia, *From the Jaws of Victory*; Ernesto Galarza, *Spiders in the House and Workers in the Field* (Notre Dame: University of Notre Dame Press, 1970); Sam Kushner, *Long Road to Delano* (New York: International Publishers, 1975).

19. Cynthia E. Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009); Mario Garcia, *Mexican Americans: Leadership, Ideology, and Identity, 1930–1960* (New Haven: Yale University Press, 1989); Benjamin Marquez, *LULAC: The Evolution of Mexican American Political Organization* (Austin: University of Texas Press, 1993).

20. Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (Oxford: Oxford University Press, 2010), Chpt. 3.

21. Earl Johnson Jr., *Justice and Reform: The Formative Years of the American Legal Services Program* (New Brunswick: Transaction Books, 1974), 4; Alan W. Houseman, "Political Lessons: Legal Services for the Poor—A Commentary," *Georgetown Law Journal* 83 (1994–5): 1671.

22. Johnson, *Justice and Reform*, 8–9.

23. Reginald Heber Smith, *Justice and the Poor: A Study of the Present Denial of Justice to the Poor and of the Agencies Making More Equal Their Position Before the Law, with Particular Reference to Legal Aid Work in the United States* (New York: Carnegie Foundation for the Advancement

of Teaching, 1919), 15.

24. "The New Public Interest Lawyers," *Yale Law Journal* 79, no. 6 (May 1970): 1070; Thomas Hilbink, "Constructing Cause Lawyering: Professionalism, Politics, and Social Change in 1960s America" (PhD diss., New York University, 2006).

25. Johnson, *Justice and Reform*, 40–41.

26. Don Broyles, "Poverty and Social Reform: OEO Legal Services and the Case of California Rural Legal Assistance" (PhD diss., Claremont Graduate School, 1976), 172–74; Jean C. and Edgar S. Cahn, "The War on Poverty: A Civilian Perspective," *Yale Law Journal* 73, no. 8 (July 1964): 1317–52.

27. Broyles, "Poverty and Social Reform," 174.

28. Johnson, *Justice and Reform*, 174.

29. Davis, *Brutal Need*, 33; *Guidelines for Legal Services Programs* (Washington, DC: Office of Economic Opportunity, 1967); "The New Public Interest Lawyers," 1074.

30. "The New Public Interest Lawyers," 1075.

31. "CRLA Refunding Proposal for 1971," Folder 9, Box 7, Papers of California Rural Legal Assistance, Special Collections, Stanford University, Palo Alto, California (hereafter cited as CRLA Papers).

32. "Proposal to Aid Farm Workers and Other Poor Persons Residing in the Rural Areas of California," Mar. 1966, p. 2, Folder 7, Box 5, CRLA Papers.

33. "Proposal to Aid Farm Workers," p. 2, Folder 7, Box 45, CRLA Papers.

34. "Proposal to Aid Farm Workers," p. 36, Folder 7, Box 45, CRLA Papers.

35. "Proposal to Aid Farm Workers," p. 15, Folder 7, Box 45, CRLA Papers.

36. Cozzens, "Defeating the Devil's Arm," 502.

37. "Proposal to Aid Farm Workers," p. 3, Folder 7, Box 45, CRLA Papers.

38. "CRLA Refunding Proposal for 1967," Dec. 6, 1966, pp. 22, 43, 61, Folder 1, Box 7, CRLA Papers.

39. On Bellow's life before CRLA, see "Oral History Interview with Gary Bellow, conducted by Zona Hostetler," NEJL Oral Histories Collection, National Equal Justice Library, DigitalGeorgetown, <https://repository.library.georgetown.edu/handle/10822/709332> (accessed Jan. 21, 2019).

40. "The New Public Interest Lawyers," 1077.

41. "The New Public Interest Lawyers," 1077.

42. Michael Bennett and Cruz Reynoso, "California Rural Legal Assistance: Survival of a Poverty Law Practice," *Chicano Law Review* 1 (1972): 2.

43. Bennett and Reynoso, "Survival of a Poverty Law Practice," 8.

44. On Texas, see "Our History," Texas RioGrande Legal Aid, <https://www.trla.org/who-we-are> (accessed Jan. 21, 2019); Florida, "Our History," Florida Rural Legal Services, <https://www.frls.org/about-us/our-history/> (accessed Jan. 21, 2019); on the South more generally, see Shepard, *Rationing Justice*.

45. "CRLA Refunding Proposal for 1967," Dec. 6, 1966, p. 32, Folder 1, Box 7, CRLA Papers; *El Camino Rural*, June 15, 1967, pp. 5–6, Folder 8, Box 100, CRLA Papers.

46. "CRLA Refunding Proposal for 1971," p. 45, Folder 9, Box 7, CRLA Papers.

47. On UFW organizing in the mid-1960s, see Bardacke, *Trampling Out the Vintage*, Chpts. 8–12.

48. "Proposal to Aid Farm Workers," p. 21, Folder 7, Box 45, CRLA Papers.

49. Cozzens, "Defeating the Devil's Arm," 502.

50. "Closing Memorandum of CRLA," May 1971, pp. 56–57, Folder 7, Box 7, CRLA Papers.

51. *Guidelines for Legal Services Programs*, 10.

52. "CRLA Refunding Application for 1968," p. 15, Folder 1, Box 45, CRLA Papers.



53. "CRLA Refunding Application for 1968," p. 16, Folder 1, Box 45, CRLA Papers.
54. "CRLA Refunding Application for 1971," pp. 37–38, Folder 9, Box 7, CRLA Papers.
55. "Community Worker Position Description," ca. 1968, Folder 11, Carton 99, CRLA Papers.
56. "Noticiero CRLA," Jan. 1, 1969, California Rural Legal Assistance, <http://www.crla.org/sites/all/files/content/archive/crla-noticiero/California%20Rural%20Legal%20Assistance%20Inter%20Office%20NewsLetter,%20January%201,%201969.pdf> (accessed Jan. 21, 2019); Maia Sortor, *Central California Action Associates, Inc.* (Washington, DC: Office of Economic Opportunity, 1968), available online through Education Resources Information Center, Institute of Education Sciences, <https://files.eric.ed.gov/fulltext/ED045236.pdf> (accessed Jan. 21, 2019).
57. "Closing Memorandum of California Rural Legal Assistance," May 1971, pp. 201–11, Folder 7, Box 7, CRLA Papers.
58. Between 1967 and 1968 alone, CRLA accepted over ten thousand cases. "CRLA Refunding Application for 1968," p. 29, Folder 1, Box 45, CRLA Papers.
59. "Oral History, Growing Up in a Migrant Worker Family," Farmworker Movement Documentation Project, University of California San Diego Library, <https://libraries.ucsd.edu/farmworkermovement/medias/oral-history/> (accessed Jan. 19, 2019).
60. "Preamble to the Constitution of the Community Workers Union," Feb. 13, 1967, Folder 11, Box 99, CRLA Papers.
61. "Community Worker Contract," Folder 11, Carton 99, CRLA Papers.
62. Quoted from "Wetherton v. Growers Farm Labor Association," Justia US Law, <https://law.justia.com/cases/california/court-of-appeal/2d/275/168.html> (accessed Sept. 20, 2017).
63. Maurice Jourdane, "California Rural Legal Assistance Celebrates Fifty Years," *Huffington Post*, [https://www.huffingtonpost.com/maurice-jourdane/california-rural-legal-as\\_b\\_13285032.html](https://www.huffingtonpost.com/maurice-jourdane/california-rural-legal-as_b_13285032.html) (accessed Jan. 21, 2019).
64. Lori A. Flores, *Grounds for Dreaming: Mexican Americans, Mexican Immigrants, and the California Farmworker Movement* (New Haven: Yale University Press, 2016), 173; Dora Noton, "Hector de la Rosa and Jesus Lopez: Voices of the People," *Monterey County Weekly*, Dec. 31, 1998, [http://www.montereycountyweekly.com/news/local\\_news/voices-of-the-people/article\\_5983158a-36d8-56de-8312-97a6e3734895.html](http://www.montereycountyweekly.com/news/local_news/voices-of-the-people/article_5983158a-36d8-56de-8312-97a6e3734895.html) (accessed Jan. 21, 2019).
65. "Report to the Office of Economic Opportunity and CRLA Board of Trustees on Operations of California Rural Legal Assistance," May 24–Nov. 25, 1966, Folder 1, Box 7, CRLA Papers; Flores, *Grounds for Dreaming*, 173.
66. "Wetherton v. Growers Farm Labor Association," FindLaw, <http://caselaw.findlaw.com/ca-court-of-appeal/1826732.html> (accessed Sept. 20, 2017).
67. "Wetherton v. Growers Farm Labor Association."
68. "Wetherton v. Growers Farm Labor Association."
69. "Wetherton v. Growers Farm Labor Association."
70. "Closing Memorandum of California Rural Legal Assistance," p. 53, May 1971, Folder 6, Box 7, CRLA Papers; Broyles, "Poverty and Social Reform," 265–67.
71. "Court Upholds Farm Workers' Right to Unionize," *El Malcriado*, Aug. 1969, p. 14, Farmworker Movement Documentation Project, University of California San Diego Library, <https://libraries.ucsd.edu/farmworkermovement/archives/#malcriado> (accessed Sept. 21, 2017).
72. For a discussion of this law and its limits, see Bardacke, *Trampling Out the Vintage*, 509–13, 518, 528–29.
73. On the Bracero Program, see Bardacke, *Trampling Out the Vintage*; Ngai, *Impossible Subjects*, Chpt. 4.
74. Sheldon Greene, "Immigration Law and Rural Poverty—The Problems of the Illegal Entrant," *Duke Law Journal* 18, no. 3 (1969): 475–95.

75. Jennifer Gordon, "Law, Lawyers, and Labor: The United Farmworkers' Legal Strategy in the 1960s and 1970s and the Role of Law in Union Organizing Today," *University of Pennsylvania Journal of Labor and Employment Law* 8, no. 1 (2005): 46.

76. Gordon, "Law, Lawyers, and Labor," 46; Bardacke, *Trampling Out the Vintage*, 488–506. This position ultimately caused many to publicly break with the UFW and tarnished its reputation among the many Mexican-born farmworkers.

77. "Late Arrival of Braceros Cut Hiring," *Long Beach Independent*, Oct. 11, 1967; "Court Order Halts Worker Importation," *San Bernardino County Sun*, Sept. 10, 1967.

78. "Report on Investigation of Certain Activities of CRLA," May 29, 1968, p. 18, Folder 5, Carton 1, CRLA Papers; Broyles, "Poverty and Social Reform," 231–32.

79. Harry Bernstein, "Braceros Will Arrive in California on Weekend," *Los Angeles Times*, Sept. 16, 1967.

80. "Judge Dissolves Order Preventing Use of Braceros," *Long Beach Independent*, Sept. 13, 1967; "Tomato Growers Show Optimism in 1967 Crop," *Redlands Daily Facts*, Oct. 5, 1967.

81. Harry Bernstein, "Tomato Growers Blame Politics for Crop Losses," *Los Angeles Times*, Sept. 29, 1967.

82. "Late Arrival of Braceros Cut Hiring."

83. Bernstein, "Tomato Growers Blame Politics for Crop Losses."

84. Bernstein, "Tomato Growers Blame Politics for Crop Losses."

85. Bennett and Reynoso, "Survival of a Poverty Law Practice," 8–9.

86. "Judge Dissolves Order Preventing Use of Braceros"; "Agreement Reached on Bracero Program," *Redlands Daily Facts*, Sept. 13, 1967.

87. Harry Bernstein, "Growers Boycott Panel on Foreign Workers," *Los Angeles Times*, Mar. 5, 1968; "Judge Dissolves Order Preventing Use of Braceros."

88. The quotes from Thornton and Lorenz are both from Bernstein, "Growers Boycott Panel on Foreign Workers."

89. Greene, "Immigration Law and Rural Poverty," 478.

90. Broyles, "Poverty and Social Reform," 239–42.

91. This narrative was taken from *Ramos v. County of Madera*, 4 Cal. 3d 685; and *Ramos v. County of Madera* 5 Civ. 1144.

92. *Ramos v. County of Madera* 5 Civ. 1144, in particular the respondent's brief and the appellant's opening brief.

93. *Ramos v. County of Madera*, 4 Cal. 3d 685.

94. Timothy Muris, "Scaling the Welfare State: Expanding Concepts of Governmental Employee Liability," *UCLA Law Review* 21 (1973): 626.

95. Bennett and Reynoso, "Survival of a Poverty Law Practice," 5.

96. The Council of California Growers had often vigorously fought unionization attempts. See John Gregory Dunne, *Delano: The Story of the California Grape Strike* (Berkeley: University of California Press, 1967). The article in the *Fresno Bee* was republished in its entirety in *El Camino Rural*, CRLA's internal newsletter. See *El Camino Rural*, Nov. 1966, Folder 8, Box 100, CRLA Papers.

97. *El Camino Rural*, Nov. 1966, Folder 8, Box 100, CRLA Papers.

98. Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton: Princeton University Press, 2017).

99. Steven Roberts, "California Legal Aid Program Faces Threat of a Reagan Veto," *New York Times*, Dec. 13, 1970.

100. Bennett and Reynoso, "Survival of a Poverty Law Practice," 23.

101. Lewis Uhler, *Report of the Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc. to the Honorable Frank Carlucci* (San Francisco: California State

OEO, 1970).

102. Bennett and Reynoso, "Survival of a Poverty Law Practice," 26.

103. Uhler, *Report of the Office of Economic Opportunity Commission on California Rural Legal Assistance*.

104. *Guidelines for Legal Services Programs*.

105. James Kilpatrick, "Reagan Was Right In Torpedoing CRLA, But Will He Be Upheld?" *Oroville Mercury Register*, Jan. 21, 1971, quoted in Bennett and Reynoso, "Survival of a Poverty Law Practice," 45.

106. "Reagan Vetoes \$1.8 Million Federal Grant for Poverty Agency," *New York Times*, Dec. 28, 1970.

107. Laura Kalman, *Right Star Rising: A New Politics, 1974–1980* (New York: W. W. Norton, 2010), 31; Douglas Brinkley and Luke Nichter, eds., *The Nixon Tapes* (Boston: Houghton Mifflin Harcourt, 2014), 472.

108. Rowland Evans and Robert Novak, "The Nixon-Reagan Stare Down," *Washington Post*, Feb. 3, 1971, quoted in Bennett and Reynoso, "Survival of a Poverty Law Practice," 47.

109. Bennett and Reynoso, "Survival of a Poverty Law Practice," 36–37.

110. Bennett and Reynoso, "Survival of a Poverty Law Practice," 52.

111. "Closing Memorandum of California Rural Legal Assistance," p. 7, May 1971, Folder 7, Box 7, CRLA Papers.

112. "California to Boycott CRLA Panel," *Washington Post*, Apr. 18, 1971.

113. Bennett and Reynoso, "Survival of a Poverty Law Practice," 61.

114. "Closing Memorandum of California Rural Legal Assistance," pp. 26–28, May 1971, Folder 7, Box 7, CRLA Papers; "CRLA Given Funds over Reagan Veto," *Washington Post*, July 1, 1971.

115. "CRLA Given Funds over Reagan Veto."

116. Bennett and Reynoso, "Survival of a Poverty Law Practice," 79.

117. Warren George, "The Development of the Legal Services Corporation," *Cornell Law Review* 61, no. 5 (June 1976): 689–90.

118. George, "The Development of the Legal Services Corporation," 698–700.

119. Shepard, *Rationing Justice*, 112.

120. Francis Regan, *The Transformation of Legal Aid: Comparative and Historical Studies* (Oxford: Oxford University Press, 1999), 29

121. Earl Johnson, *To Establish Justice for All: The Past and Future of Civil Legal Aid in the United States* (New York: Praeger, 2013), 447.

122. William Quigley, "The Demise of Law Reform and the Triumph of Legal Aid: Congress and The Legal Services Corporation from the 1960's to the 1990's," *St. Louis University Law Review* 17 (1998): 241.

123. Murray, "The Abolition of El Cortito," 27.

124. Murray, "The Abolition of El Cortito," 28.

125. Murray, "The Abolition of El Cortito," 29.

126. Murray, "The Abolition of El Cortito," 29.

127. Murray, "The Abolition of El Cortito," 30–32.

128. The two quotes are taken from Murray, "The Abolition of El Cortito," 32.

129. Murray, "The Abolition of El Cortito," 33–34.

130. *Sebastian Carmona v. Division of Industrial Safety*, Jan. 13, 1975, Folder 1, Box 313, CRLA Papers; see also "Sebastian Carmona v. Division of Industrial Safety," FindLaw, <http://caselaw.findlaw.com/ca-supreme-court/1830728.html> (accessed Sept. 24, 2017).

131. *Sebastian Carmona v. Division of Industrial Safety*.

132. "Use of Short-Handled Hoe Banned by State," *Los Angeles Times*, Apr. 8, 1975; Murray,

"The Abolition of El Cortito," 36–37.

133. Bardacke, *Trampling Out the Vintage*, esp. Chpt. 31. See also, Garcia, *From the Jaws of Victory*.

134. Bardacke, *Trampling Out the Vintage*, 723.

135. Bill Billiter, "'It's Bad,' Says Worker: Short-Handled Hoe Keeps Turning Up," *Los Angeles Times*, Apr. 8, 1983; Steve Tripoli, "Despite Its Ban, Short-Handled Hoe is Back: El Cortito: It's Still Taking a Toll on State's Farm Workers," *Los Angeles Times*, Apr. 8, 1984; David Reyes, "Second Observed Occurrence This Year: Workers Use Outlawed Hoe in Irvine Field," *Los Angeles Times*, Feb. 17, 1984.

136. Muris, "Scaling the Welfare State," 634–35.

137. Johnson, *To Establish Justice for All*, 529–34.

138. Regan, *The Transformation of Legal Aid*, 56.

139. For an examination of CRLA's recent work, see *2017 Annual Report*, California Rural Legal Assistance, <http://crla.org/resources-and-publications> (accessed Jan. 21, 2019).

140. "Indigenous Program," California Rural Legal Assistance, <http://crla.org/indigenous-program> (accessed Jan. 21, 2019).

Reproduced with permission of copyright owner.  
Further reproduction prohibited without permission.