

NFL's 'Deflategate' Findings 'Unreliable'

Exclusive: The widespread hatred of the New England Patriots and quarterback Tom Brady explains the public support for the NFL's harsh penalties in "Deflategate," but independent statistical experts have found the NFL's findings in the case to be "deeply flawed" and "unreliable," writes Robert Parry.

By Robert Parry

A new report on the NFL's "Deflategate" controversy by statistical experts at the American Enterprise Institute confirms much of what I had detected regarding flaws in the NFL's findings, which claimed the New England Patriots had probably deflated their footballs and that quarterback Tom Brady probably had some awareness. AEI concluded that physics not tampering could explain the changes in air pressure.

AEI's principal observation was that the NFL's investigators were mistaken in relying on footballs used by the Indianapolis Colts in the same game as a control group, i.e., an assumption that they were otherwise identical to the Patriots' footballs and that any deviation from the Colts' air-pressure measurements would indicate wrongdoing by the Patriots.

The key flaw in that assumption was that the checks on the air pressure of the Colts' footballs came at the end of halftime when the footballs had been indoors at a warmer temperature and thus had naturally re-inflated while the Patriots footballs were checked at the start of halftime when the effects of the cold, rainy weather would still have depressed the measurements.

As the AEI economists wrote, "Logistically, the greater change in pressure in the Patriots footballs can be explained by the fact that sufficient time may have passed between halftime testing of the two teams' balls for the Colts balls to warm significantly, effectively inflating them."

To downplay this key variable in the NFL's report, outside counsel Ted Wells sought to compress the gap in time between when the air pressure of the Patriots' footballs was measured and when the Colts' footballs were tested. Wells asserted that the measurements followed one after the other, but other evidence and conflicting recollections by the NFL officials involved in the testing suggest that the Patriots' footballs were tested and then re-inflated before the officials turned to the Colts' footballs, measuring only four because they ran out of time.

As AEI and I both noted, a key piece of evidence undermining Wells's compressed chronology was that the two NFL officials involved in testing the footballs seemed to have switched gauges between the first set of tests and the second, which would have made little sense if the measurements were sequential rather than separated by the re-inflation of the Patriots' footballs.

But, as I have noted, there was another reason why the Colts' footballs should not have served as a "control group" because the two sets of footballs were conditioned differently before the game. The Patriots rubbed down the balls more thoroughly than the Colts did, thus making the Patriots' footballs less water resistant. The NFL's scientific consultants found that moisture as well as temperature affected changes in air pressure and the duration of declines in pounds per square inch [PSI]. But Wells did not take into account that variable either.

Beyond these football variables, AEI detected an irregularity in how the Wells report presented its scientific findings, saying: "our replication of the report's analysis finds that it relies on an unorthodox statistical procedure at odds with the methodology the report describes." In other words, Wells seems to have played some games with the statistics to reach his conclusion incriminating the Patriots.

The AEI report noted another "crucial piece of evidence overlooked in the [Wells] report's analysis" relating to the one Patriots' football that was intercepted by the Colts during the first half. It became the basis for the Colts' allegation that the Patriots had under-inflated their footballs, but the AEI report said:

"Assuming that the intercepted Patriots ball that was tested was inflated to 12.5 PSI [the minimum legal standard favored by Brady] before the game, the average of three measurements derived by this separate measurement process (11.52 PSI) was at the top of the range implied by the Ideal Gas [Law], according to the Wells report."

In other words, the assumption that started this whole controversy that the Colts thought the intercepted ball had been intentionally made softer than it should be was mistaken. The ball's PSI fell within the expected range as predicted by the laws of physics.

NFL's 'Unreliable' Findings

AEI's "Deflategate" study was conducted by Kevin A. Hassett, director of economic studies; Joseph W. Sullivan, a research assistant; and Stan A. Veuger, an AEI resident scholar. AEI also conducted a study of the New Orleans Saints'

"Bountygate" affair, in which the NFL handed out penalties after discovering that Saints' coaches had offered incentives for knocking opposing team players out of a game. Based on a study of statistics, AEI determined that the Saints were no more likely to hurt opposing team players than other teams and sometimes less, contributing to the NFL's decision to vacate the suspensions of Saints players.

On Sunday, in [an article](#) for the New York Times summarizing the AEI's "Deflategate" findings, Hasset and Veuger described the Wells report as "deeply flawed" though it still has become the basis for the NFL fining the Patriots \$1 million and stripping them of two draft picks and for suspending Tom Brady for four games. Though protesting their innocence, the Patriots decided not to challenge the penalty. However, Brady has appealed his suspension and has a hearing scheduled for June 23.

"Our recommendation?" wrote the AEI economists. "When the N.F.L. hears Mr. Brady's appeal of his suspension later this month, it should proceed with the knowledge that the Wells report is unreliable."

But there is another side of this overblown case that the NFL might want to consider. Were the Indianapolis Colts the ones trying to tamper with the competitiveness of the NFL by lodging a baseless complaint against the Patriots in the middle of the AFC Championship Game on Jan. 18?

The halftime testing of the footballs even caused some confusion at the start of the second half and might have distracted the Patriots, though if that was the Colts' plan it didn't work. The Colts ended up losing 45-7, a second year in a row the Patriots booted them from the playoffs.

But the outcome of the "Deflategate" controversy even if it turns out that there was no intentional deflating of the footballs will help the Colts and other competitors in the years ahead, since the Patriots will lose a first- and fourth-round draft pick in 2016 and may have to play without their starting quarterback for a quarter of the upcoming season.

For a decade and a half, the Patriots have been the most consistently successful team in the NFL, winning four Super Bowls (including in 2015) and regularly qualifying for the playoffs. This success has understandably upset many of the teams that compete against them, creating an incentive to get the NFL to intervene to make the Patriots less competitive.

It's a bit like handicapping a horse race by making the favorite carry more weight than the others, but that approach is itself an assault on the competitive fairness of the NFL, what Commissioner Roger Godell claims he is

upholding in “Deflategate.”

[For more on this topic, see Consortiumnews.com’s “[Holes in NFL’s ‘Deflategate’ Report](#)”; “[Why Write about NFL’s ‘Deflategate’](#)”; and “[Tom Brady and Theoretical Crime.](#)”]

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America’s Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). You also can order Robert Parry’s trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America’s Stolen Narrative*. For details on this offer, [click here](#).

The Saga of Cesar Chavez

Exclusive: The teaming up of United Farm Workers founder Cesar Chavez and Sen. Robert Kennedy marked an important moment in the fight for the rights of Latinos in America, a time in history brought to life by a film biography of Chavez, says James DiEugenio.

By James DiEugenio

In 1996, with great fanfare and under the influence of political adviser Dick Morris President Bill Clinton signed the largest welfare “reform” bill of the last 35 years. It was so harsh toward recipients that many speculated that not even Ronald Reagan would have signed it. But Clinton, as a titular Democrat, had the cover to do so. Many commented at the time that this act demonstrated that the Arkansas governor’s association with the “centrist” Democratic Leadership Council was not just cosmetic.

Upon signing the bill, Clinton utilized the words of the late Robert Kennedy, quoting the liberal icon as saying that work is what the United States is all about; we need work as individuals and as citizens, as a society and as a people. When Rory Kennedy, Bobby Kennedy’s youngest daughter, heard this invocation of her father’s name to support a law that would hurt the poorest and most disadvantaged people in America, she immediately called Peter Edelman, who had been a legislative assistant to Kennedy when he was a senator.

Edelman, who was working for Clinton as assistant secretary for Health and Human

Services, resigned in protest against the new law. A year later, the Harvard-educated lawyer wrote a blistering essay about the “reform” bill and Clinton’s role in it. Five years later, Edelman explained that not only was the bill a bad one but he was outraged at Clinton’s use of his former boss’ name in signing it.

Edelman wrote, “President Clinton hijacked RFK’s words and twisted them totally. By signing the bill, Clinton signaled acquiescence in the conservative premise that welfare is the problem, the source of a culture of irresponsible behavior,” while RFK envisioned a large American investment to guarantee that people actually could get decent jobs.

Kennedy wanted both protections for children and outreach to those who could not find jobs. In other words, he wanted to do something big about *ending* poverty. (See the introduction to Edelman’s book, *Searching for America’s Heart*.)

RFK and Justice

Perhaps nothing illustrates the difference between the Democratic Party now and then than Edelman’s role in getting Sen. Kennedy to Delano, California, in 1966. It’s a story Bill Clinton probably knew about, but to my knowledge never mentioned in public.

Kennedy had been serving on a subcommittee of the Senate Labor Committee that dealt with the plight of migrant workers. That is, people largely from either Asia or Central America who worked the huge fruit and vegetable farms in California and other southern states for the large agribusiness owners.

Prior to 1965, these workers had no real labor rights. Because of a strong agribusiness lobbying effort, the minimum wage law did not apply to them. Neither did child labor laws or collective bargaining statutes. The national media had only once noticed their plight in late 1960, when Edward R. Murrow broadcast his famous CBS documentary *Harvest of Shame*.

Edelman and labor leader Walter Reuther convinced Kennedy that his presence was needed at congressional hearings being held in March 1966 in Delano. There was a strike going on led by a Mexican-American activist named Cesar Chavez. Kennedy’s presence there would give Chavez’s movement some media attention and bolster the spirits of his followers.

Labor representative Paul Schrade told me that he and Reuther had already been to Delano and met Chavez, who suggested that Kennedy attend the hearings. Schrade said he called Jack Conway, who was Reuther’s liaison to Kennedy’s office, and connected with Edelman, who joined with Conway in convincing Kennedy to attend the hearings by making the argument that “These people need you!” (Arthur Schlesinger, *Robert Kennedy and his Times*, p. 825)

Though reluctant, Kennedy finally relented. But even on the plane ride out, he still wondered why he was going. But, if anything, Edelman underestimated the attention and aid RFK was about to bestow on Chavez and the farm workers.

Both the local sheriff and the district attorney were there to testify. As Kennedy either knew, or was about to learn, both men were in the pocket of the wealthy landowners. With cameras running and reporters in attendance, a famous colloquy took place between Kennedy, who had served as Attorney General of the United States, and Sheriff Leroy Galyen of Kern County.

Galyen: If I have reason to believe that a riot is going to be started because somebody tells me that there's going to be trouble if you don't stop them, then it's my duty to stop them.

Kennedy: So then you go out and arrest them?

Galyen: Yes, absolutely.

Kennedy: Who told you they're going to riot?

Galyen: The men right out in the fields that they were talking to says, "If you don't get them out of here, we're going to cut their hearts out." So rather than let them get cut, you remove the cause.

Kennedy: This is an interesting concept. Someone makes a report about someone getting out of order and you go in and arrest them when they haven't done anything wrong. How can you go in and arrest somebody and they haven't violated the law.

Galyen: They're ready to violate the law, in other words.

At this point, Kennedy cracked up and laughter enveloped the proceedings.

Kennedy: Could I suggest in the interim period of time ... the lunch period that the sheriff and the district attorney please read the Constitution of the United States.

When the hearing was over, Kennedy met Chavez outside and told him that he supported the strike. The senator then joined Chavez on the picket line. Chavez felt protective of Kennedy, wondering if he wasn't going too far too fast. For instance, when a reporter asked RFK if "the Huelga" (the strike) may be communist inspired, Kennedy instantly replied with: "No, they are not communists. They're struggling for their rights." (ibid, p. 826)

What RFK Brought

As Dolores Huerta, another United Farm Workers founder, noted, “Robert didn’t come to us and tell us what was good for us. He came to us and asked two questions: What do you want? And, how can I help? That’s why we loved him.”

And as Chavez later said about RFK’s appearance there, “He immediately asked very pointed questions of the growers; he had a way of disintegrating their arguments by picking at very simple questions. So he really helped us turned it completely around.” (ibid)

As Edelman later said about Kennedy’s flight into Delano, “Something had touched a nerve in him. Always, after that, we helped Cesar Chavez in whatever way we could.” (ibid, p. 827) As Kennedy saw it, Cesar Chavez was doing for Hispanics what Martin Luther King Jr. was doing for black Americans, “giving them new convictions of pride and solidarity.” (ibid)

Kennedy called on labor leaders to help Chavez organize the migrants. It was the beginning of a friendship that lasted for more than two years until Bobby Kennedy’s assassination in Los Angeles after winning the California primary on June 6, 1968.

When Kennedy was shot at the Ambassador Hotel, Kennedy had Dolores Huerta on the podium with him. He had thanked her and Chavez for mobilizing the voters in Central California. Chavez then served as an honorary pallbearer at Kennedy’s funeral service.

The humorous scene between Galyen and RFK is depicted in the film *Cesar Chavez: History is Made One Step at a Time*, which was released last year in theaters but which got so little media push and publicity that I didn’t see it. But Patricia Barron, a Mexican-American friend of mine, advised me to get it on Netflix or from Red Box. “Jim, it’s at least as good as *Selma*” and she was right. I actually think it’s better than *Selma*, but lacked an Oprah Winfrey/Brad Pitt producing team to promote it.

Both movies focus on an iconic leader representing an oppressed group of Americans, with *Selma* centered on Dr. King. And as Kennedy noted, Chavez was probably the closest role model that the Hispanic community has in comparison to King.

Chavez did face a David-and-Goliath struggle that, in some ways, was comparable to King’s accomplishments. King’s opponent was the system of racial segregation that replaced slavery across the South after the Civil War and the failure of Reconstruction. Segregation was ingrained in nearly every aspect of Southern life and culture and was enforced by both law and violence.

The Lords of Agribusiness

Chavez's opponents were the omnipotent lords of California agribusiness, which was the largest industry in the state. They dominated the area from north of Santa Barbara to approximately south of San Jose. When one drives that stretch of the Golden State Freeway, one can see that the huge expanse is largely made up of agricultural fields.

The owners of the fields felt their profits relied upon maintaining the pose of being farmers, but they were really running a large industry. Privately they did not refer to themselves as farmers, but rather as ranchers, growers or agribusiness men. (See Chapter 1 of *So Shall Ye Reap*, by Joan London and Henry Anderson)

There was good reason for that. In 1970, the average farm size in California was over 700 acres; twice the national average. The average sales price for a farm was over \$300,000; five times the national average. The top 2.5 percent of the industry accounted for the employment of 60 percent of the migrant labor force.

As authors London and Anderson point out, this type of wealth allowed the growers to employ a phalanx of lawyers, PR men, and state and federal lobbyists all of it in the cause of preserving and disguising their dominance over their cheap and plentiful workforce.

With this kind of power at their disposal, the growers took advantage of laws that allowed them to claim the government subsidies that sought to sustain average farmers. For example, irrigation water was delivered to them at a fourth of what it should have cost because they took advantage of a subsidy that was reserved for farms of 160 acres or less in size.

As London and Anderson revealed, the growers rigged the system to achieve this by making trusts of their properties and partly holding their land in title to their wives, sisters, daughters, sons, nephews and any other relatives they could find. They also intervened with the state government in Sacramento to make their industry exempt from unemployment insurance and benefited further because only a very small minority of the farm workers were signed up for Social Security. Thus, there were very few records of these farm workers who really were transients.

For 30 years, until 1967, agricultural workers also were excluded from the milestone Fair Labor Standards Act, meaning they were not subject to minimum wage laws or overtime regulations. Almost all of them worked on a piecework scale based on how much fruit or how many vegetables they picked.

Both Sacramento and Washington excluded agribusiness from the Wagner Act of 1935, which was perhaps the most far-reaching of New Deal legislation governing

worker/employee relations. Without its application, the growers did not have to recognize collective bargaining efforts and were free to terrorize organizers who also faced the fact that local law authorities that were on the growers' side.

Seeking Out Labor

In addition to all of this, the growers went looking for minority groups at home and abroad who they could exploit sometimes as distant as the Far East but, after the Mexican Revolution, there was a steady stream from the south both available and exploitable. This was made legal by the bracero program, a diplomatic agreement with Mexico permitting the importation of temporary manual labor into the U.S. By 1945, because of claims of a labor shortage brought on by World War II, there were 50,000 braceros in the California fields.

As London and Anderson note, the growers were so powerful that they were allowed to exempt their workers from Selective Service and use prisoners of war in their fields. After Ronald Reagan's election as California governor in 1967, he showed his appreciation for the growers' huge campaign donations by letting them use prison convicts for work, until the state Supreme Court overturned the order.

What existed closely resembled a feudal system, down to the workers living in properties sometimes owned and monitored by the landowners. It was, as one scribe wrote, a condition of semi-voluntary servitude.

But politicians like Reagan had no qualms about preserving it. He appointed growers like Alan Grant to the California Farm Bureau Federation, the UC Board of Regents, and the State Board of Agriculture. From his lofty perch, Grant saw no problem with the system as it was and no need for unionism in agriculture. As he famously said, "My Filipino boys can come to my back door any time they have a problem and discuss it with me."

As with Dr. King, there was a history of organizing attempts for Chavez to look back on. After violence broke out in 1913, two organizers were jailed. And six years later, the Criminal Syndicalism Act was passed in California, essentially making union organizing a criminal act.

During the Great Depression, some strikes were led by communists, so agribusiness later used red-baiting and violent tactics to crush strikes. Under the Criminal Syndicalism Act, several strike leaders were arrested, two were killed, and over 20 were wounded violent tactics that persisted until 1939, condoned by local authorities and hailed by the local press barons.

This anti-unionism was endorsed by Richard Nixon, who was elected to Congress from California in 1947 and was making his reputation as a red-baiter. In 1950,

during a strike in the Delano area, the giant DiGiorgio ranch hired strikebreakers, a practice that Nixon endorsed, signing a document asserting that farm workers had been properly excluded from labor laws.

“It would be harmful to the public interest and to all responsible labor unions to legislate otherwise,” Nixon stated, a position that became known as the Nixon Doctrine and helped turn that strike around in favor of the growers.

The strike was called off later in 1950 after court orders limited picketing, boycotting and the importation of assistance from other unions. One of the young men on the picket line nearby was Cesar Chavez.

Escaping Violence

Chavez’s grandparents came to America to escape the violence of the Mexican Revolution. Cesar was born in Arizona in 1927. His family moved to California in 1938 and first lived out of their car, then under a tent. As he later related, sometimes they would eat wild mustard seeds just to stay alive. His family then worked as migrant farm laborers under the influence of local contractors. They would move up and down the state following plant harvests.

Chavez dropped out of school at age 14 in the eighth grade and became a full-time worker in the fields. In his early 20s, he married Helen Fabela and in 1949 they had the first of their eight children. With a young family, he decided to leave the shifting tides of the migrant worker stream and moved to San Jose. In season, he harvested delicacies like apricots. In the offseason, he worked in lumberyards.

His father, Librado, had been active in union organizing and favored eventual affiliation with the CIO rather than the AFL. The CIO was Walter Reuther’s union. Young Cesar would sit in on these discussions and learn as he went. He was also stung by the whip of racism. In his teens, he remembered being removed from a movie theater for violating segregated seating rules.

But the single event that probably changed Chavez’s life the most was the night a priest named Father McDonnell knocked on the door of his home. Fathers Donald McDonnell and Thomas McCullough were famous in the area as the “priests to the poor.” The two divided up the central part of the state and visited, by their own estimate, about a thousand farm labor camps. Very early they realized that the growers would never divide up their farms and sell them to the workers, so the only way to achieve any justice or dignity for the migrants was through a union.

In 1952, Fred Ross visited the Stockton area from an agency called the CSO, or Community Service Organization, an offshoot of Saul Alinsky’s Industrial Areas

Foundation. The group's idea was to recognize central issues and then build local alliances finding common approaches to address the issues. Alinsky hired Ross to organize Mexican-Americans in the Los Angeles area, and after considerable success Ross shifted north to San Jose.

The knock on the Chavez door was part of a Ross/McDonnell cellular approach, called the house meeting. In a three-week period, Ross and McDonnell would visit several houses each night. At the end of the three weeks, they would then have a larger meeting at one of the bigger homes to include all the people they talked to who were interested in the cause identified by the CSO. They would elect temporary officers and send the people out to knock on more doors, leading eventually to a local chapter of the CSO.

The night that Ross met Chavez, Ross reportedly wrote in his journal, "I think I found the guy I'm looking for."

Ross ended up hiring Chavez to work for the CSO at \$35 per week. In 1953, he became a statewide organizer, working from northern California, south to Oxnard. Chavez and Huerta, whom Ross also recruited, built the state CSO into a coalition of 22 chapters in California and Arizona, concentrating on getting farm workers state disability insurance and signing up as many as they could for Social Security benefits. These developments meant the growers had to keep files and records on their workers.

Expanding the Fight

The next target for Ross, Chavez and Huerta was to end the bracero program, which they finally did at the end of 1964. But there was a problem Chavez had with the CSO, which would not commit to an all-out push to organize and unionize the farm workers of California. Chavez resigned and took his life savings of \$900 out of the bank. He moved to Delano, explaining that "My brother lived there, and I knew that at least we wouldn't starve."

Chavez started organizing the local farm workers, calling his new agency the Farm Workers Association. He deliberately avoided the word "union," which he knew was offensive to the growers. He also borrowed money from a friend to open up a credit union and offered those who joined preferential rates on insurance. By 1964, he had enough workers paying dues that he could devote all his energies to building the union.

In 1965, Chavez went on the offensive. He called a rent strike against the Tulare Housing Authority. He then called two strikes against small growers. He won and the strikers were rehired. But the greatest conflict of Chavez's career, the one Bobby Kennedy enlisted in was the massive farm workers' strike from 1965

to 1970, which expanded into first a national boycott, and then an international one.



Diego Luna's film begins near the end of that boycott. Chavez (played by Miguel Pena) is in a radio station in Europe trying to expand the scope of the boycott to England. He begins talking about how he started out, and the film flashes back to the beginning of his career as an organizer for CSO near San Jose. Chavez arranges a house meeting so he can question some of the workers in the area.

The narrative then jumps to his dispute with CSO over a focus on union building for farm workers, and we witness his family move from San Jose to Delano. We see his early struggles to get the farm workers union going. For example, a visit from the local sheriff, who is surely meant to suggest Galyen.

But the picture really picks up momentum with the beginnings of the five-year strike and boycott, which, ironically, was not started by Chavez. It was actually begun by Larry Itliong, the leader of Filipino workers. Itliong chose to have his followers go on strike because the grape growers in Delano would not pay comparable wages as the growers in the Coachella Valley.

The film depicts this moment of crisis very strongly: we see the forces of the growers standing outside the worker's barracks in the middle of the night, demanding, with a loud speaker, that they return to work or be evicted. The workers refused, and many were evicted.

Itliong then wrote to Chavez. From past experience, Itliong knew the growers in Delano would try to recruit strikebreakers from the Hispanic ranks and asked Chavez to support the walkout by not having the Mexican-Americans replace his men in the fields.

A United Front

This was a portentous moment for Chavez because his efforts were relatively new, and the union he was leading was not fully formed. But he saw that what Itliong

was asking him to do was to stand up for all farm workers everywhere, whether they be Asian-Americans or Mexican-Americans. Chavez argued for backing Itliong and carried the day in the Union Hall. Although the dynamics behind the Filipino walkout are skimmed, the scene with Chavez leading the argument in the hall is vividly depicted in the film.

On Sept. 16, 1965, Chavez and his workers joined the Filipino picket line. For all intents and purposes, this was the beginning of the five-year strike, called La Huelga. When the boycott was added, Chavez called it La Causa.

Realizing that the stakes had been raised by the alliance of Chavez and Itliong, the growers started revving up their battery of weapons. First they used the legal venue, going to court to get injunctions against picketing. They cited the criminal syndicalism laws to disallow Chavez from speaking to his followers on a bullhorn. The local courts were so rigged that they even forbade the strikers to use the word Huelga. The growers knew these perverse decisions would be reversed on appeal, but they thought they could outlast the farm workers.

If it would have been anyone besides Chavez and Itliong, that may have been the case. But as the film carefully notes, Chavez had hired a capable attorney to beat back these ridiculous rulings, a man named Jerry Cohen, who got Chavez, his wife, and Huerta out of jail.

The film next depicts the beginning of the boycott. Chavez started small, deciding to attempt to boycott just one winery. But he realized that he would need allies to spread the word. So, he had his followers perform outreach to sympathetic leftist groups like students and civil rights advocates.

In another good scene, the film shows the effectiveness of this boycott and how it began to split the ranks of the growers. Julian Sands plays the director of the boycotted company, with John Malkovich as the representative of the growers' association. Malkovich asks Sands not to give in, but as Sands makes clear, he really did not have a choice. The boycott was hurting sales too much. (Malkovich also executive produced the film.)

Mixing black-and-white newsreel film with a reenactment, the picture next depicts the appearance of Sen. Robert Kennedy at the Delano hearing. Luna found an actor named Jack Holmes who has a strong natural resemblance to Bobby Kennedy. However, the film underplays this remarkable moment by not showing the bonding that took place afterwards between the two men.

But Luna does show the climactic event that took place after Kennedy left. Borrowing a page from Gandhi and King, Chavez organized a 245-mile walk from Delano to Sacramento. Luna's depiction of this event briefly includes the skits

that playwright Luis Valdez would prepare for the protesters to watch at night. These were almost always satiric in nature and meant to caricature the arrogance and insensitivity of the growers.

The main intent of the march was to get California Gov. Pat Brown to push a bill through the legislature that would give agriculture workers the right to organize. That bill eventually did pass, but it was later under the governorship of Pat Brown's son Jerry.

The 23-Day Fast

No film about Chavez would be complete without his 23-day fast over the escalating violence used by the growers to harass his followers. Chavez was also disturbed by the failure of the farm workers to refrain from retaliation. Chavez only drank water during this period and although Chavez did attract much attention to his efforts many thought he had endangered his health. Finally, Bobby Kennedy arrived to convince Chavez to stop and take Holy Communion with him.

The film does a nice job in playing off the Holmes/Kennedy scenes with the newsreels of Ronald Reagan attacking both Chavez and his union. After Kennedy leaves, we watch as Reagan attacks the grape boycott as immoral, and he accuses Chavez of using threats and intimidation tactics against the grape growers.

Luna and his scriptwriters do an even better job with the assassination of Robert Kennedy. We watch as Chavez pulls his car over to hear a radio bulletin about Kennedy's assassination. Luna then cuts to Kennedy's requiem at St. Patrick's Cathedral. The director is careful to include a shot of presidential candidate Richard Nixon in attendance.

This will strike the theme that, with RFK dead, Chavez lost a key ally in the political world. The growers increased their violent tactics. And, with Nixon in the White House, they thought they had a solution to the national boycott because Nixon facilitated agreements that allowed them to ship their grapes to Europe to be sold.

But Chavez was planning for this maneuver. Because of the expanded exposure of his work in the mass media, a *Time Magazine* cover for instance, he had become something of a celebrity. So, the film picks up where it began: with Cesar speaking on the radio in England, promoting the boycott abroad. He also made alliances with unions there to not handle U.S. grapes.

And in what is probably the highlight of the film, Luna shows Chavez and his new English friends dumping unshipped grapes into the Thames River, a reverse Boston Tea Party. The film crosscuts this with a montage of Malkovich on his empty

ranch: one with no workers, abandoned tractors, and unmoved grapes spoiling in crates.

Being checkmated abroad was the last straw for the growers. In July 1970, many of these agribusinesses decided it was time to recognize the United Farm Workers, even if it meant signing contracts with Chavez. The film ends with that historic signing.

The Chavez/Kennedy/Itliong struggle was truly a case of the underdog winning out through sheer determination and courage. The deck was completely stacked against their cause, but with help from good people like RFK, Reuther and Pat Brown, Cesar Chavez did make a difference and achieved what no one had done before him.

There have been surprisingly few films made about Chavez, even though his life was full of both epic and personal drama. I only know of two documentaries: *Viva LaCausa* and *The Fight in the Fields*. The latter PBS documentary goes beyond the time limits of Luna's film and confronts some of the problems the UFW had later. After all, it was not easy to maintain what Chavez achieved with Ronald Reagan in the White House and George Deukmejian in the governor's mansion in Sacramento.

Luna has made a good film, one with a strong underlying message. Chavez was not handsome and photogenic like JFK was. He was not anywhere near the speaker that King was. And he did not have the wonder drug of charisma, as did Malcolm X. That Chavez achieved what he did with so few natural gifts was a great testament to what an ordinary man can do when touched with the right moment and the right inspiration.

James DiEugenio is a researcher and writer on the assassination of President John F. Kennedy and other mysteries of that era. His most recent book is [Reclaiming Parkland](#).

Standing Up for Truth and Ben Franklin

Because of the excessive secrecy exercised by the U.S. government, whistleblowing has become a necessity for American democracy, a reality that struck home to former FBI official Coleen Rowley and other whistleblowers as they encountered Benjamin Franklin's words in Germany.

By Coleen Rowley

Our recent "[Stand Up for Truth](#)" whirlwind speaking tour through London, Oslo

(see [here](#) and [here](#)), Stockholm and [Berlin](#) last week as well as [webinars](#), [visual presentations](#) and [speaking events](#) in U.S. cities was exhausting but quite successful.

Truth has always been a difficult and often frustrating business, especially when that old story line tends to repeat of the naked Emperor continuing to ignorantly march forward, even after the little boy has yelled the truth. But someone has to do it!

Throughout the week, we discussed the problem of pernicious governmental, corporate and other top-down secrecy involved in globalization that enables large-scale wrongdoing and keeps citizens in the dark about it, making effective solutions and real democracy, and even our collective security, impossible.

These issues were relevant especially in Germany, given the context of the details that have emerged about the long-term NSA-BND spy pact targeting European officials, a scandal now being investigated by a German parliamentary committee. Of course such scandals only occur when the truth is effectively kept hidden for decades by powerful institutions.

So how can citizens learn the truth a little sooner? We were able to meet with Scandinavian officials working with the Committee on Legal Affairs and Human Rights for the Council of Europe which, significantly, has just completed a *Draft Report on Improving the Protection of Whistleblowers*.

In Norway, we were able to speak to the fact that a freedom of speech and debate institution had just awarded the 2015 Björnson Prize, named after a Norwegian Nobel literature laureate, to Edward Snowden. The academy lauded the American whistleblower "for his work protecting privacy and for shining a critical light on US surveillance of its citizens and others" [asking the Norwegian cabinet to protect his visit to Norway](#) in September to receive the prize.

Such acceptance of truth-telling would be a real political challenge, given Norway's status as "one of America's closest allies" but one of their most respected law firms holds that Snowden cannot be extradited from Norway to the U.S., since Snowden's action is a political act to uphold the U.S. constitution, not a crime. Similarly in Stockholm, our tour sponsors involved in the [Right Livelihood Award](#) "the Alternative Nobel Prize," whose past laureates include "Most Dangerous Man" discloser of the Pentagon Papers Daniel Ellsberg (2006) and Edward Snowden (2014), are pushing for Sweden's government to ensure safe passage for Snowden to travel to Sweden to accept his prize.

The final ["Quo vadis Democracy?"](#) event venue on our tour produced some real serendipity as well as irony! We could not help notice the building's striking

dedication to Ben Franklin as we walked into the Haus de Kulturen de Welt ("House of the Cultures of the World"), located in the Kongresshalle, a unique gift from the U.S. to Germany, designed in 1957 by a renowned American architect.

Known to Berliners as the "pregnant oyster" for its distinctive shape, the Haus sits next to the German Chancellery, on John Foster Dulles Allee in Berlin (whence came the irony given the Dulles brothers' sordid history of world-wide, illegal exploitation). Triumphant over such perfidy, Franklin's quote so aptly reads:

"God grant that not only the love of liberty but a thorough knowledge of the rights of man may pervade all the nations of the earth so that a philosopher may set his foot anywhere on its surface and say, 'this is my country.'

"—Benjamin Franklin (1706-1790)

"To these ideals and to the man who spoke them and lived them this Kongresshalle is dedicated."

These days, most Americans have no idea of the buried history behind Benjamin Franklin's becoming America's first whistleblower, long before the word existed in the English language.

You have to dig deeper than most sanitized American history textbooks to learn that Benjamin Franklin was publicly vilified in Great Britain after courageously taking responsibility in 1773, for his "Deep Throat"-like disclosures a year before, disclosures of secret official correspondence related to a colonial governor's corruption and complicity with British repression, the truth of which was to contribute to the American Revolution.

Two hundred years before there was a Daniel Ellsberg, Chelsea Manning, or Edward Snowden, an American Founding Father, Benjamin Franklin was treated as a spy and "incendiary agent," suffering incredible backlash described as follows by Franklin biographer H.W. Brands:

"For an hour (Solicitor General of the Lord North ministry, Alexander Wedderburn) hurled invective at Franklin, branding him a liar, a thief, the instigator of the insurrection in Massachusetts, an outcast from the company of all honest men, an ingrate whose attack on [Gov. Thomas] Hutchinson betrayed nothing less than a desire to seize the governor's office for himself. So slanderous was Wedderburn's diatribe that no London paper would print it."

No wonder Benjamin Franklin came to love liberty and understand the rights of man! He had lived it. The courage and spirit of America's first whistleblower

infused the “Quo vadis, Democracy?” discussion we had later that day with German politicians charged with investigating the extent of U.S.-German surveillance cooperation and with other German legal and data privacy researchers.

We each tried to effectively address the important questions: What happens to the idea of democracy in an age of mass surveillance, data espionage and collaboration between the German spy agency BND and the U.S. National Security Agency? How was the NSA scandal received in the United States and Germany and what can – and must – we learn from this?

In my own seven minutes, in the course of trying to explain how lies and propaganda fueled the U.S. government’s “going to the dark side” after 9/11, I ended up butchering Mark Twain’s quote: “A lie can travel halfway round the world while the truth is putting on its shoes.” I hope I didn’t confuse the German audience too much. I also hope they stopped on their way out to read the building’s dedication and take some needed courage from the example of one of American democracy’s Founding Fathers and its first whistleblower. This type of courage is again required to stand up for truth.

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