

No. 05-1937

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF MONTEREY

THE DEPARTMENT OF INDUSTRIAL RELATIONS, CANDY. CROOKS LENNIE,
GEORGE

PLAINTIFF,

vs.

CURLEY AND THE BOSS,
DEFENDENTS

BRIEF OF THE DEPARTMENT OF INDUSTRIAL RELATIONS, IN SUPPORT OF
THE PLAINTIFF ON THE ISSUES ADDRESSED

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BACKGROUND

This case takes place in Salinas Valley ranch in 1936. This case takes place during the great depression. The great depression is a time of sadness, humbleness, humiliation, hunger, homelessness, and unemployment. It is a dark time. People have little or no money. It is hard to get and maintain a job, so it is hard to improve one's conditions. People are struggling to put food on the table, people can't afford necessities. Living conditions aren't proper living conditions and they are hard to improve. We are living in a time of great depression. You can find that Dortha Lang has done a great job of capturing all this in her photographs. This affects the case because people are poor and desperate for jobs. They owe money to creditors, and can't afford to lose their jobs. This also means that people were forced to take up jobs they didn't want in order to survive.

This case takes place on a ranch in the Salinas Valley, which is ironic because the Salinas Valley is very beautiful, but we are in a time period of great depression. The Salinas Valley is also called the salad bowl of the world. It is very lush and green. The soil is ideal for farming. If you look at the valley from above it looks like a quilt made up of different patches. On the ranch this case takes place in their main crop is barley. They also take care of horses like many other ranches. The location affects this case because of the migrant workers they came to look for jobs after escaping the Dust Bowl. This created even more competition for jobs.

With this case the plaintiffs would be complaining about harassment. These plaintiffs would include Crooks, the "stable buck", Lennie, a new employee, George, another new employee, and Candy, an old employee with only one hand. For example Crooks would complain to the court about racism. Crooks wasn't allowed in the bunkhouse because he was black. Also he had a different type of job and housing than the others. Another person they would most likely complain is Lennie. Lennie would be complaining about the way people treated him. They were really disrespectful and didn't consider his feelings. To back up why he would complain would be that he didn't have much control of his mind. He constantly had to be reminded about where they were headed, what they were "planning" to do in life, or even fight back when people try and pick on him.

In this case the defendant is the boss and Curley, the boss's son, for not creating a safe - harassment free environment. The defendants can only be the boss because these laws only apply to employers and managers. First, where it started was when they arrived at the job. The boss does not mention anything about harassment when he goes over the basics with the employees then hires them. Second, he didn't take all reasonable steps to prevent harassment. One thing he could have done was not allow Curley into the bunkhouse and allow Crooks in the bunkhouse, or be even to both of them. The boss didn't accommodate Crooks when he got kicked by a horse either. Another thing he didn't do was that he didn't post their complaint information or their leave information.

In this case we are going to prove that the Fair Employment and Housing Act and Ralph Civil Rights Act were broken. The employers broke these laws and because of this a safe working environment was not established. People were discriminated against, threatened,

and hurt. The boss and Curley, the manager, broke section two of The Fair Employment and Housing Act and The Unruh and Ralph Civil Right Act. As a result Crooks was beaten because of his race.

ARGUMENT

At the Salinas Valley Ranch, the boss broke section two of the Fair Employment and Housing Act. This law forbids harassment and requires employers and managers to create a safe - harassment free working environment, by taking all reasonable prevention steps. In our investigation our witnesses described an unsafe environment where harassment is not only possible, but a reality they face every day. Candy, one of our witnesses, recalling a conversation with the boss states “Come right in when we was eaten’ breakfast, ‘were the hells them new men’ and he give the stable buck hell, too” (19). What Candy is trying to communicate is a time when the boss took out his anger on Crooks, even though Crooks was not involved, because he is black. I know that the boss is racist because he calls Crooks a “nigger” all the time. Everyone I talked to agrees to the fact that the boss harasses Crooks by giving “hell” when he is angry, even if he’s not angry at Crooks, and by calling Crooks a “nigger” which is a derogatory term that offends many African Americans. So not only did the boss break section 2 of the Fair Employment and Housing Act by failing to create a safe - harassment free working environment, he also encouraged and participated in harassment.

At the ranch, the boss also broke the Ralph Civil Rights Act. This law states that one can’t hurt or threaten people because of their appearance, position, race or ideas. In our investigation we found that one of the defendant’s threatened one of the plaintiffs because of his appearance. Curley, the defendant, stated “Come on, ya big bastard. Get up on your feet. No big son-of-a-bitch is gonna laugh at me. I’ll show ya who’s yella” (62). In this quote Curley is threatening Lennie for allegedly laughing at him when in truth Lennie was smiling because of a completely unrelated thought. Curley simply jumped to the conclusion that Lennie was laughing at him because he didn’t like how Lennie looked. After hearing the threat Lennie got up and tried to back away but Curley swung his fist at Lennie. John Steinbeck, a witness in this investigation, says that Curley started an unprovoked attack on Lennie. John came to Lennie’s defense and stated, “Lennie looked helplessly at George, and then he got up and tried to retreat. Curley was balanced and posed. He slashed at Lennie with his left, and then smashed down his nose with a right. Lennie gave a cry of terror. Blood welled from his nose. He backed until he was against the wall, and Curley followed, slugging him in the face. Lennie’s hands remained at his sides; he was too frightened to defend himself” (62-63). In this quote John is describing the merciless attack on Lennie by Curley. This proves that Curley broke the Ralph Civil Rights Act for attacking Lennie because of his appearance.

CONCLUSION

The defendants, Curley and the Boss, are guilty. The evidence that proves this is as follows. They broke section two of the Fair Employment and Housing Act because they failed to create a safe - harassment free working environment. We have many witnesses that are willing to vouch for this. They also broke the Ralph Civil Rights Act for threatening Lennie because of his appearance. I think that a reasonable verdict would be a fine for the laws broken and three year probation.

Respectfully submitted,

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Works Cited

Steinbeck, John. Of Mice and Men. Penguins, New York: 1993.