



Association for Union Democracy

(718) 564-1114
104 Montgomery Street, Brooklyn, NY 11225
www.uniondemocracy.org

Executive Director
Kurt Richwerger

Board of Directors
Herman Benson
Secretary-Treasurer
Thelma Correll
Arthur Fox
Michael Goldberg
Barbara Harvey
Alan Hyde
Paul Alan Levy
William Kornblum
Selma Marks
James McNamara
Guillermo Perez
Judith Schneider
President
Ruth Spitz
Clyde W. Summers
(emeritus)

Advisory Board
Elvia Ariola
James B. Atleson
Alan Barnes
Florian Bartosic
Elaine Bernard
Daniel E. Clifton
Nola Hitchcock Cross
Phyllis Currott
Charles Delgado
Barbara Ehrenreich
Stanley Engelstein
Martin Fishgold
Bill Fletcher, Jr.
Albert Fried
Ruben J. Garcia
Thomas Geoghegan
Julian Gonzalez
Alice Harney
Helen Hershkoff
Nabia Marin-Molina
Deborah Meier
Louis Nikolaidis
Lawrence O'Toole
Robin Potter
Bob Repas
Charles Owen Rice
Jonathan Palewicz
Ray Rogers
Leon Rosenblatt
Edward Sadlowski
William Schendel
Tim Schermerhorn
Frank Schonfeld
Arthur Z. Schwartz
Patricia Sexton
Dan Siegel
Eileen Silverstein
Cheryl Smyler-George

June 1, 2010

BY FACSIMILE

The Honorable Loretta A. Preska
Chief Judge, United States District Court
Southern District of New York
500 Pearl Street Room 1320
New York, NY 10007
Facsimile No. (212) 805-7941

Re: United States v. Int'l Bhd of Teamsters
88 Civ. 4486 (LAP)

Dear Chief Judge Preska:

The following is respectfully submitted for your consideration in reply to the May 25 memo from the U.S. Attorney, Southern District of New York:

According to the U.S. Attorney, the Association for Union Democracy [AUD], like TDU, has adequate standing to have its views considered by the election officer, but because it is presumably not to be considered an "interested party" the court is to be denied the opportunity of considering those views. This limited definition of who is an interested party with the right to make a presentation to the court means that apart from the government itself, the court can consider only the views of the union administration. But the administration, by the virtue of its own self-interests, can only be counted on to propose election rules that would make the system less favorable to any rivals. And so it works out in this case, where the Hoffa administration is presumably entitled to have its position heard before the court, in which it attacks the stand of both AUD and TDU, but the court is to be denied of the opportunity of reviewing the very position which the IBT administration is criticizing. Under such standards the pressure in time can only be to erode the conditions for a fair election of top union officers.

However, it would be more than unfair, even absurd, to deny the court the opportunity of directly considering suggestions from AUD whose sponsors have the benefit of some fifty years of promoting the principles and practices of democracy in the labor movement. (Not to mention the views of TDU which represents a portion of

Association for Union Democracy

(718) 564-1114
104 Montgomery Street, Brooklyn, NY 11225
www.uniondemocracy.org

the union's own membership.) To eliminate their intervention before the court on important election issues can be counter to the basic intent of the consent decree which looks toward protecting the rights of members to fair elections as one means of keeping the union free of corruption.

In this connection, we note that back in 1990/1991 when the election officer was preparing rules for the first direct election of Teamster officers for presentation to the court, a situation prevailed similar to what is before us now. The officer had received a proposal from AUD, but in his report to the court, he simply ignored it. He had proposed a strictly limited "supervision" of the election process, one which would have left control in the locals in the hand of the incumbent officials and would have entailed the clear danger of election fraud. AUD proposed that the officer not simply "supervise" the process but that he actually closely conduct every phase of the election. When his proposals went before the court, the judge agreed to consider our AUD alternative amendment and, in the end, he reversed the position of the election officer and adopted our proposed amendment. AUD's standing at that time was strong enough to help avert the imminent danger of election fraud.

At the time, we presented our 1991 proposal out of the profound conviction that something critical was at stake, and we do so now in 2010, motivated by the same consideration. We hope to alert the court to the potentially fatal flaw in the current election rules under which an aspiring candidate can become "authorized" by presenting petitions signed by 2% of the total membership but will be denied a place on the ballot unless he/she is nominated by 5% of the convention delegates. The union was compelled, under the terms of the consent decree to shift from election by delegates to direct membership election. Why was direct election so important a feature of the consent decree? Direct elections can be a potent factor against corruption because it provides the membership of a means of freeing itself, at that point, from the domination of the incumbents' administrative machine. We hold that the same principle requires more than election by the membership but also nomination of candidates by the membership, so that there can be two alternative routes to a place on the ballot: by nomination by convention delegates or by membership petition.

The dangerous element in the current system was clearly revealed in 2006 when the opposition candidate for general president received about 35% of the total membership vote but eked out nomination with only 6% of the convention delegates. A shift of a

handful of some 1,700 delegates would have deprived him of a place on the ballot, turning the election into a farce even though some 35% of the membership had signified by petition their desire for a change to vote for the disqualified candidate.

(718) 564-1114
104 Montgomery Street, Brooklyn, NY 11225
www.uniondemocracy.org

We request here only that the court consider our view and decide whether it feels we are right or wrong; and, if it decides we are right, to take whatever steps it feels appropriate to correct the lethal defect in the proposed current election rules.

Respectfully submitted,

A handwritten signature in cursive script that reads "Herman Benson".

Herman Benson, Secretary Treasurer
Association for Union Democracy

cc: First class and electronic mail

Brian M. Feldman. Esq.
Bradley T. Raymond. Esq.
Richard W. Mark Esq.
Hon. Kenneth Conboy
Teamsters for a Democratic Union
Election Services Solutions
David J. Hoffa, Esq.
Electronic mail
Stephen Colbert