



Association for Union Democracy

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

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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 Judge Preska:

I write on behalf of the Association for Union Democracy (“the Association” or “AUD”) in objection to the joint application by the United States of America (the “Government”) and the International Brotherhood of Teamsters (“Teamsters” or “IBT”) for entry of an order approving their proposed election rules for the 2011 International Union Delegate and Officer Election (the “2011 IBT Election Rules”).

AUD is a non-profit corporation founded in 1969 which seeks to further democratic principles and practices in American labor organizations, both by encouraging union members to participate actively in the internal life of their unions, and by protecting the exercise of their democratic rights within their unions. Its diverse sponsors all share the view that the labor movement is one of the great forces that sustain democracy in our national life and that, if it is to serve this purpose, union leaders must be responsive to their members, and unions must be responsive and just in their internal operations.

The Association has assisted union members seeking to secure fair elections in numerous unions and has extensive familiarity with IBT elections and the real world obstacles to the exercise of democratic rights in that international union. Representatives of AUD have been invited to testify before Congress concerning the effects on internal democracy of union constitutional provisions and practices and proposed federal legislation. In connection with the 1991 IBT election, the first held after the Consent Decree, AUD objected to the joint application of the Government and the Teamsters concerning 1991 election rules that provided for conduct of the election by Teamsters officials with too limited a

government role. Judge Edelstein rejected the Parties' proposal and required comprehensive supervision and control of the election by officers appointed by the Court.

AUD believes that the proposed 2011 Election Rules urgently require amendment. The current rules provide that an aspiring candidate for any International Officer position can only become accredited and entitled to all the rights of a candidate by presenting nominating petitions signed by at least 2 ½% of the entire relevant membership pool. However, in order to get on the ballot and actually run in the election, the candidate must receive an endorsement from at least 5% of the votes cast by the relevant pool of delegates elected to the convention preceding the election. The Association's proposed amendment would provide that once the aspiring candidate produces petitions signed by 2 ½% of the membership, he/she by virtue of those petitions is guaranteed a place on the ballot. Thus there would be two routes, not one, to a listing on the ballot as a candidate: by petition and/or by nomination by delegates.

In reply to an invitation for comments, we earlier wrote on behalf of our proposal:

"The current system is subject to a flaw that could be fatal to the democratic process and lead to the disaffection of a large part of the membership. Candidates who have already demonstrated by petition that they enjoy broad support among the members, perhaps 40,000 or more who are willing to risk identifying themselves, can be excluded because they fall short of winning the approval of 100 delegates at a convention.

The current rule is not only flawed in practice, it is contradictory and indefensible in conception. Granting candidates election rights by petition allows them, by direct access to the membership, to break through the political power possessed by incumbents in their control over the union organizational apparatus. Requiring them to receive delegate endorsement puts them back at the mercy of the incumbent political machine. It is that need, to allow candidates to reach the membership, that explains why the union was compelled to shift from election by delegates to direct election by members. Our amendment, consistent with the need for direct elections, would allow not only election by the membership but also nomination by the membership.

We should be able to understand how candidates could be popular, with broad membership support, and still be unable to win over 5% of the delegates. The election of delegates in the locals is easily subject to all skills of manipulation, intimidation, and falsification regrettably common to any political machine inside and outside of the labor movement. That these dangers still exist in the Teamsters is demonstrated by the continued need for the Independent Review Board to police corruption and to protect members from abuse. In the Teamsters union, it may be relatively easy for incumbents to control the election of a few thousand delegates. It is far more difficult to control the petition choice of a million-membership."

Since the joint application now before you does not include our amendment and because we feel it is so imperatively necessary to safeguard the democratic process in the Teamsters union, we ask the Court to order that the proposed election rules be amended in accordance with our proposal.

The consent decree which settled the government's suit against the union recognized that preserving the right of members in the union --- union democracy --- was an essential element in keeping the union free of corruption and organized crime. The direct election of international officers by membership vote, as opposed to election by convention delegates, was viewed as one key means of strengthening that democracy. However, the Election Supervisor seems not to appreciate the close connection between the technical rules governing international elections and the need for preserving conditions for advancing democracy in the Teamsters. A democratic election requires more than the right, under limited conditions, to cast a ballot. It requires the full panoply of rights normally accepted in the life of any democratic society, including the right to campaign, the right to reach the electorate, and, of course, the right to run for office. It may be reasonable, in a union as large as the Teamsters, where the costs of running an election are high, to require that an aspiring candidate submit proof of some degree of potential support. That condition is adequately satisfied here by a requirement that a candidate for top office must submit petitions signed by at least 2 1/2% of the total international membership.

The local union, where convention delegates are elected, is precisely the place where deals are arranged, where corruption lurks as a continuing potential, where bullying and intimidation of independent minded critics is still a problem. If this were not the reality, the current Independent Review Board would not still be an urgent necessity. The special intimidation faced by convention delegates was brazenly revealed at the 2001 IBT convention where delegates who intended to vote for the opposition candidate were subject to a gauntlet of screaming partisans of the administration who hurled reviling epithets at the potential voters. If this is how administration zealots feel free to treat delegates publicly, it is obvious how they can intimidate opposition candidates for delegate in the locals where no one is watching.

It is precisely because all this has an important element of truth that it was necessary to deprive delegates of the right to elect international officers and turn it over directly to the membership. For the same reason, the right to nominate should not remain the exclusive right of delegates. Yet, the election rules, as they stand, would give delegates a kind of veto power, denying a place on the ballot to aspiring candidates who have already demonstrated that they are supported by a substantial section of the membership.

In considering our proposal, the Election Supervisor dismissed it as "not persuasive" because in previous elections opposition candidates managed to eke out the required support from delegates. But previous elections demonstrate precisely why our proposed change is necessary. In the 2006 election the opposition candidate for General President received about 35% of the total membership vote but only about 6% of the delegate vote. A shift of only 20 of 1,753 delegates would have prevented him from being on the ballot despite considerable membership support.

The danger in the Teamsters union is that international elections will become, as they were before the consent decree, a travesty of democracy. If 30,000 or 40,000 Teamsters who have openly declared their support for a candidate by signing a petition discover that their choice is denied even a place on the ballot, how can they take such an election seriously? How can they

be expected to do it again in a subsequent election? Faith in the very process of democracy is undermined. Cynicism leads to apathy. Apathy reopens the door to corruption.

In this case, and under these conditions, a partial insurance against such a disaster is to give members not only the right to vote for international officers but the right to nominate them.

Respectfully submitted,



Herman Benson
Secretary-Treasurer

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