After extensive debate, the 1994 International Convention adopted a proposal from the International Executive Board (IEB) that changed the way the International conducts elections. The new plan, in the form of an amendment to the ILWU Constitution, eliminated the walk-in ballot in favor of a mail ballot, because walk-ins had led to recurring irregularities at the local level. Along with this basic change, the plan set out election rules and procedures dealing with such issues as eligible voters, candidates' mailing of campaign literature, challenges to balloting and the conduct of the election.

Two committees were established to administer the election. The International Balloting Committee (IBC) was to address questions about eligibility of voters and be responsible for the counting of the ballots. The International Election Procedures Committee (IEPC) was to deal with all other election issues. The 1994 election was the first under this new procedure.

Who is eligible to vote?

The Constitution as well as the Election Rules and Procedures clearly define who is an "eligible voter." The Constitution requires that "ballot packets be mailed to each member on the eligible voter list at his or her last known home address." The Election Rules and Procedures (Rule #3) further clarify who is eligible to vote:

"All members in good standing of any affiliate of the ILWU shall be eligible to vote in this election in accordance with such affiliate's established rules defining membership in good standing."

This Rule clearly requires that an eligible voter be a member in good standing in his or her local or affiliate. And in accordance with longstanding ILWU traditions of local autonomy, affiliates determine the qualifications and requirements for membership. Nearly all ILWU affiliates have established procedures by which individuals become members. Such procedures often include a membership application, payment of an initiation fee, and swearing-in at a membership meeting.

The eligible voter list

The Election Rules and Procedures require the affiliates to send the International Secretary-Treasurer a list of active members within 14 days of the conclusion of the International Convention. The International Secretary-Treasurer must then consolidate the eligibility lists from all the affiliates and submitted to the International Convention. A copy of the list is then sent to each affiliate for verification.

Note to all members

This special issue of The Dispatcher focuses on the recent election for International Officers, the challenges to that election and how the International Executive Board has dealt with these issues. It will take you from the start of the election process in April, into the challenges and through the International Executive Board meetings August 11-12 and September 4-6 and the actions the IEB took rejecting the election results, and then on to the appeals of those actions by many Local officers and members (see page 12). Although this summary is not always the most exciting reading, it is important that the rank and file know the facts of the debate among their elected representatives. So we have presented the arguments of all sides in detail and quoted liberally from the documented record.

There is no way nearly 1,000 pages of transcripts and documents can be summarized without leaving out something someone will consider important or even critical to understanding what has happened. That is why, for those who want to investigate further, copies of the reports from the International Balloting Committee, the International Election Procedures Committee, the verbatim transcripts of both International Executive Board meetings and all other documents on the record related to these events are available at your local hall.

In 1995, the IEB rejected a challenge to the authorization procedures for a new contract. The challenge was based on the fact that the IEB did not have an opportunity to review the contract language at the time it was signed.

International President Brian McWilliams asserts a constitutional point. Photos by Tom Price

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September 1997
Our union under siege

By BRIAN McWILLIAMS
ILWU INTERNATIONAL PRESIDENT

The very foundation of our Union, the bedrock of our good and-fair democracy, is being threatened by a Constitutional crisis that has also kept us on the edge of a fiscal crisis.

On one side, we are besieged by the relentless efforts of a few individuals to seize control of the ILWU by unconstitutional means. We have just held another democratic election in which the members of the ILWU cast their votes without fraud or impropriety. But these folks didn't like the results of the vote, so they are trying to toss out one local's vote for International President because they think they can influence enough votes to change the outcome in a second go-round. To accomplish this they are trampling the ILWU Constitution, trying to allow the non-members to vote and, failing that, violating all our rules and procedures to call a new election.

On the other side we are in danger of falling victim to apathy—the apathy of the majority of our members who either don't care about what goes on in this great union, or about who represents their interests, or whether their interests are even reflected in the policies of the ILWU. Perhaps they are so content they think the status quo will continue without their participation.

So from two sides we are challenged by forces that threaten our very integrity as a militant, democratic, fighting organization. I don’t care which candidates for local or International office you think are supported in the past or in the present. What I do care about is whether you agree that only the membership of the ILWU can vote in ILWU elections. And I do care very much whether you believe, as I do, that only the International Convention or a referendum vote of the membership can change the Constitution of the ILWU.

I am fully aware that there have been a lot of phony reports about who is in fact guilty of violating the Constitution, of making wrong interpretations of the Constitution—I have been enforcing it, as is my sworn duty as International President. The Constitution and its election rules and procedures say that only members of the ILWU in good standing can vote in ILWU International elections—and that the standards for membership are set by the autonomous local unions. It says this in several places. There is no ambiguity, no room for interpretation—only for enforcement.

I can also tell you that the Constitution is very specific about when newly elected International Executive Board members, Titled Officers and Coast Committeemen take office—at the first IEB meeting following the election. It also says this new board will hear and act upon the reports of the International Balloting and International Elections Procedures Committees. This again is not a matter of interpretation.

But I am also fully aware that the election rules and procedures adopted by the 1994 International Convention did not cover all the bases. Some revisions are needed to take care of unforeseen circumstances and to shore up some minor loopholes—but I firmly believe that only the International Convention or a referendum vote of the membership can amend the Constitution, including whatever changes to the rules and procedures need to be made. That is how the Constitution demands we do it, that is how rank-and-file democracy demands we do it.

But that is not what is happening—a majority of the board members have decided they are above the Constitution—and the transcript will bear this out—that they are above the democratically adopted rules governing our elections. They have set about to turn democracy on its head, in effect, to stage a coup and take over the organization.

I appeal to you: no matter which side you may take in our internal debates, stand up now and defend the democratic rule of law, defend the ultimate power of only the Convention and the rank and file to change the course of this great organization and its legendary Constitution. We have had two major locals withhold per capita payments to the International unless and until their point of view prevailed, and one is still withholding longshore coast pro rata payments. We had to give notification of possible layoffs to our administrative and clerical staff. We were hamstrung for several weeks—bills went unpaid, subscriptions and trips were cancelled for lack of funds. All because two locals were willing to jeopardize the solvency of the International union, the glue that binds us all together, ultimately because a candidate—at least the candidate of those who decided to hold back the funds—did not win the election. Where does democracy fit into that picture?

Does a declining voter turnout (in some case less than 20 percent of the membership voted) sound like a healthy democracy to you? No, I don’t think so either. And I think we should be focusing on this problem and on our internal organizing and mobilizing as well as organizing the unorganized workers throughout our jurisdictions. Where are our priorities?

Without your involvement everything we have worked for, yes, even our standard of living and the wages and benefits we enjoy and live by, are in jeopardy. Be involved, be informed, be united.

The Dispatcher welcomes letters, photos and other submissions to the above address. CO ILWU, 1997.
transmit that consolidated list to the independent agency contracted to do the actual mailing and collection of ballots. Since the International has been operating under the procedures for a mail ballot, this agency has been Sequoia Pacific Systems.

To help prepare this list, immediately after the Convention the International sent each affiliate a list of its members who were receiving The Dispatcher. The locals were asked to correct the list (update addresses, indicate changes in status such as from active to retired, etc.) and return it to the International office. International Secretary-Treasurer Joe Ibarra explained the procedure in an April 3 memo to all locals and the IUB, which read in part:

“I have enclosed for your convenience a printout of your membership list from The Dispatcher mailing list. First on the list are those individuals who are coded as active members. Following the actives are the individuals who are coded as retired, surviving spouses, etc. Only those individuals who are coded as active, after corrections are made, will be sent a ballot. If an individual is coded as active, but in fact retired (or vice versa), please indicate their correct status and it will be changed. Again, those locals who have their membership list on computer need only send a disk with the data.”

In spite of these clear instructions, problems cropped up immediately. A number of locals did not correct the lists sent to them, leaving retirees, surviving spouses and others not eligible to vote on their eligibility lists.

Other locals sent in computer disks which included non-members, such as longshore Class B registrants. Consequently, ballots were mailed to a number of ineligible individuals.

The majority of locals also failed to provide the International with their lists of eligible voters with- in the 14-day time frame required by the Election Rules and Procedures. A couple of locals sent in their lists just two or three days before the consolidated eligibility list had to be sent to Sequoia Pacific Systems. Besides taxing the International’s operating under the procedures for a mail ballot, this agency has been Sequoia Pacific Systems.

IEB splits on election

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From the affiliates’ responses the International developed a list of ineligible individuals who were sent ballots by mistake.

As previously noted, the International used The Dispatcher’s mailing list as the original, uncorrected voter eligibility list. That list contains duplicate entries, as it is used for mailings to IEB members, locals, and others.

As a result, some individuals, such as several IEB members, were sent two ballots—one from the affiliate’s eligibility list and one from the IEB list.

After this discovery, the voter eligibility list sent to Sequoia Pacific Systems was checked for duplicate entries, and the individuals who were listed twice were identified and their names provided to the IBC. Normally this check would have been done before the list was sent to Sequoia Pacific Systems. However, because the International got the lists from the locals so late, there was no time to run this check before the deadline to submit the consolidated list to Sequoia Pacific Systems.

About a week or two after the ballots were mailed out, a large number of ballots from Local 8 were returned by the Post Office to Sequoia Pacific Systems as undeliverable. Upon investigation it was determined that when the eligible voter list from Local 8 was merged into the consolidated eligible voter list, the street address was chopped off after the eighth character. For example, a street address that should have been “1234 Main Street, Apt. #4” ended up being “1234 Mai” and everything after the eighth character (in this case the “i” in Main) was lost. After this discovery, the street addresses for Local 8 were corrected and Sequoia Pacific Systems did a complete re-mailing to the local members.

Though people love to complain about the Post Office, a number of Local 8 ballots with the chopped-off addresses actually were delivered. Those individuals then received a second ballot when the re-mailing to the local was completed. And one individual from Local 8, who happens to be a member of the International Executive Board, actually received three ballots—one from being on the mailing list as an IEB member, one from the chopped-off mailing, and one from the re-mailing.

CLASS B REGISTRANTS—WHERE IT ALL STARTED

Not long after the ballots were mailed, the International began hearing from several locals that Class B registrants were sent ballots. The Elections Rules and Procedures give the International Secretary-Treasurer the responsibility to ensure that the eligibility list is accurate and that it includes only active members. Rule #14.c.2 states:

“The International Secretary-Treasurer and the International Election Procedures Committee shall have full authority to take all necessary steps to prevent the mailing of ballots to inactive individuals. The International shall maintain an active and an inactive list of eligible voters. An individual is defined as inactive when the address change has occurred and the new address is not reflected in the International’s membership list.”

Quick chronology of events

April 11, 1997—The International Convention in Hawaii, nominates candidates for International officers and the International Executive Board. Locals have 14 days from the end of the Convention to send corrected member address lists to the International for the mail-in balloting.

May 23—Ballots are mailed out to members. After the mailing it is discovered that some longshore locals inappropriately included Class B registrants who are not members on their lists. A list of these ineligible voters is drawn up and submitted to the International Balloting Committee.

July 7—The IBC counts the ballots, excluding the Class B registrants and other ineligible ballots.

July 8—The IBC submits its report on the ballot tally, certifying the election, including Brian McWilliams as the winner in the International President race. Defeated presidential candidate Larry Wing challenges the election results, claiming the B ballots should be counted. Local 13 President Joe Cortez and Secretary-Treasurer Ralph Espino file a similar challenge.

July 18—The International Election Procedures Committee holds a hearing on the challenges.

July 21—The IEPc issues its report, ruling the challengers failed to provide “competent evidence” for their claims and all election results stand.

August 11-12—The IBE gathers at the international headquarters, but fails to agree whether the old board or the newly-elected board should hear the challenge. No decisions are made.

August 21—International staff is informed of possible layoffs and other nonessential expenditures are cancelled because Locals 13 and 142 fail to pay per capita.

September 4-6—The IBE again and agrees the old board will hear the challenges and make a recommendation to the new board for a decision. The old board decides Class B registrants are not members of the union and are ineligible to vote. Those ballots should not be counted. The old board then decides to rerun the election in just Local 13 because of unsubstantiated allegations of election fraud. The new board concurs and narrows the election to just International President. Later that week, per capita payments arrive from Locals 13 and 142.

September 18-26—Local officers and members appeal the IEB’s decision to rerun Local 13’s election, claiming the action violates the ILWU Constitution.

September 26—McWilliams stays the Local 13 election pending the resolution of the appeals issues.
reasonable steps to timely obtain from affiliates the required listing of active members."

Upon learning that some Class B registrants may have received ballots and knowing that generally Class B registrants are not union members, the International Secretary-Treasurer Joe Ibarra matched the names and registration numbers of all Class B registrants. In so doing, he found almost 650 Class B registrants on the voter eligibility list, nearly 550 from Local 13 alone. Other locals that had Class B registrants on the list were Local 4 (Vancouver, WA), Local 10 (San Francisco, CA), Local 12 (Coos Bay, OR), Local 18 (Sacramento, CA), Local 19 (Seattle, WA), Local 25 (Tacoma, WA), and Local 54 (Stockton, CA).

The officers of these locals were then sent faxes advising them that a number of Class B registrants were included in their eligibility list, explaining that generally Class B registrants were not members of the union entitled to vote, and asking them whether these Class B registrants should have been sent ballots. Attached to the fax was a list of all Class B registrants from the local who were sent ballots. In all cases but one—Local 15—the officers responded that the Class B registrants should not have been sent ballots. These Class B registrants were then added to the list of ineligible individuals who were inappropriately sent ballots.

International Secretary-Treasurer Ibarra also added the Local 13 Class B registrants to the list of ineligible individuals who were sent ballots. This was to ensure that if it were finally determined that they were not eligible to vote, the election results would not be contaminated and cause a runoff of the entire election at a cost to the International of $40,000 to $60,000. (Once the ballot envelopes are opened and the ballots removed and mixed with all the other ballots, it is impossible to pull out the ballots from the Class B registrants—or any other individual or group, for that matter. This ensures the secrecy of the ballot.) On the other hand, if it were finally determined that these Local 13 Class B registrants are union members and, therefore, eligible to vote, then the ballots could be opened, counted, and the results adjusted appropriately.

**ARE (LONGSHORE) CLASS B REGISTRANTS UNION MEMBERS?**

Longshore registration has nothing to do with the union membership that is the criteria for voting eligibility. Registration is a process by which the ILWU and the Pacific Maritime Association decide that individuals have certain job and dispatch rights. Usually, longshore division locals bring individuals into union membership after they have attained Class A registration. There are a few situations in which Class B registrants have been made union members and where Class A registrants are not union members. Generally, however, Class B registrants are not union members.

Can an affiliate have more than one class of members, such as one class which can vote in union elections and one which cannot? The answer is no. The federal Labor-Management Reporting and Disclosure Act (LMRDA) specifically provides that "[e]very member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections [etc.]."

**SHOULD CLASS B REGISTRANTS BE MADE UNION MEMBERS?**

The issue of Class B registrants voting has raised an important question: Should Class B registrants be made union members? Class B registrants spend their initial time on the docks learning the job, becoming familiar with the Pacific Coast Longshore and Clerks Agreements, the contract they work under, and observing the workings of the union. In short, they spend time as apprentices longshore workers or clerks.

A principled argument can be made that, after a reasonable amount of time as a Class B registrant, an individual should be made a union member regardless of whether he or she attains Class A registration. While the local union cannot unilaterally control the registration process, including the advancement from Class B to A, it can and does unilaterally control the procedures by which individuals are brought into the union family. For someone to be a Class B registrant for several years is one thing, but for that same person to be kept out of the union for the same number of years is quite another. Even though the local unions control who becomes a union member, this is an issue that needs to be thoroughly debated and discussed within the ILWU.

**THE BALLOT COUNT BEGINS**

Sequoia Pacific Systems picked up the ballots from the Post Office July 7 and brought them to the conference room at the Holiday Inn in South San Francisco, where the ballot count was scheduled to occur. The International Balloting Committee was provided with the list of ineligible individuals who had received ballots. Those names were removed from the eligible voter list against which the ballot envelopes were to be checked.

Before the ballot count began, Local 13 President Joe Cortez submitted a letter to the IBC dated July 3, 1997 and signed by himself and Local 13 Secretary-Treasurer Ralph Espino. Attached to their letter was Local 13’s eligible voter list. The letter stated in part:

> "When the list was sent to [Russ Bergmann in the International office] on April 24, 1997, we had included our Class B mem-

bers as well, but as you know, International President Brian McWilliams ruled that Class B members were ineligible to vote. Therefore, take the time to highlight all of the Class B members that are supposed to be ineligible to vote so that their ballots are segregated before they are opened in order to avoid any problems."

The revised eligibility list without the retirees, surviving spouses, Class B registrants and other ineligible individuals was provided to Sequoia Pacific Systems. After sorting all the sealed ballot envelopes, Sequoia Pacific Systems employees attempted to match the identification number and/or name on the sealed ballot envelope with the identification number and/or name on the revised eligible voter list. Where there was a match, the Sequoia Pacific Systems employee brought the sealed ballot envelope to the International Balloting Committee to determine whether the individual was an eligible voter.

The International Balloting Committee first checked the ballot envelope against the list of ineligible voters who were inappropriately sent ballots. If there was a match on this list, the Committee set the ballot aside as a challenged ballot and the envelope—still containing the ballot—was marked with the reason why it was challenged. In some cases ballots were entirely invalid, as there was no match. In these cases, the International Balloting Committee attempted to match the identification number and/or name on the revised eligible voter list, and asked them if they were union members and/or eligible to vote, the election results would not be contaminated and cause a re-run of the entire election at a cost to the International of $40,000 to $60,000. (Once the ballot envelopes are opened and the ballots removed and mixed with all the other ballots, it is impossible to pull out the ballots from the Class B registrants—or any other individual or group, for that matter. This ensures the secrecy of the ballot.) On the other hand, if it were finally determined that these Local 13 Class B registrants are union members and, therefore, eligible to vote, then the ballots could be opened, counted, and the results adjusted appropriately.
IEB splits on election
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latest postmark or receipt stamp, all such bal-
lots shall be voided."

This work of the International Balloting
Committee is reflected in their report which states
in part:

"Ten (10) sealed boxes were secured by
Segovia, Pacific slotted sent to the
International Headquarters on July 8, 1997,
where they will be stored for one year. The ten
boxes consisted of:

"Two (2) boxes containing returned ID
evelopes from Hawaii; three (3) boxes con-
taining a Form ID envelopes from the main-
land; three (3) boxes containing voted ballots;
one (1) box containing 599 uncounted ballots con-
tained in the IEPC report) who pay dues or fees to the
local and concluded that payment of per capita is
not sufficient proof that Class B registrants are
members in good standing and eligible to vote in
International elections.

2. The challengers also argued that Class B reg-
istrants should be allowed to vote simply as a result
of their status as Class B registrants. But the IEPC
ruled that Class B registration alone does not make
someone eligible to vote under Rule #3 of the
Election Rules and Procedures which require voters
to be "members in good standing." The IEPC sug-
gested that evidence of voter eligibility could include
membership applications, minutes of meetings in
which the Class B registrants were sworn into the
local and proof of the ability to vote for local officers.
But no such evidence was submitted. In fact, under
questioning from the IEPC, Cortez acknowledged
that Class B registrants have not been sworn into
Local 13, cannot participate in Local 13 meetings
and cannot vote in Local 13 elections. The IEPC also
found it inconsistent, then, that they should be able
to vote in International elections.

3. The challengers argued that Local Class B registrants
should be allowed to vote because some
other locals had included Class B registrants in
their voter eligibility lists. The IEPC had received
two letters, one from Local 29 President Timmy
Chavez and one from Local 200 Regional Director
John Bukoskey, stating that Class B registrants from
their locals were permitted to vote. But the
IEPC noted that the letters did not address the
issue of whether these Class B registrants were
members in good standing of their locals. And, the
IEPC's report added, if they were not members in
good standing they should not have been allowed to
vote. But since no one had challenged their ballots
and the time for filing such challenges had passed,
that issue was beyond the IEPC's purview. Further
investigation revealed that, in fact, Class B reg-
istrants from Local 29 had neither voted nor been
incorporated in the voter eligibility list.

4. The challengers argued that Class B reg-
istrants had voted in past elections for International
Officers, so those from Local 13 should be allowed
to vote in this one. The IEPC noted that the
challengers provided no evidence that Class B reg-
istrants who had voted in past International elec-
tions were not "members in good standing" and
that even if such people had been improperly
allowed to vote in the past, "two wrongs don't
make a right."

5. The challengers argued that Class B reg-
istrants have historically been allowed to vote on
Coast Committee matters and on the coastwise
contract. But the IEPC noted that the Longshore Division
Bylaws clearly distinguish between voting for Coast
Committee members, which requires an individual
to be a Class A or Class B registrant and a member
of the union, (emphasis in the IEPC report) and vot-
ing in a contract referendum, which requires only
Class A or Class B registration. (See Coast Bylaws
except on page 4.) The IEPC further noted three
letters from then-International President and Coast
Committee Chair James R. Herman dated April 29,
1980, May 1, 1985 and June 21, 1991 submitted as
evidence by Coast Committeeman Glen Ramseiny.
In those letters, which implement the 1979
Longshore Caucus policy, Herman stated that eligi-
Bility to vote for Coast Committee is limited by
Longshore Caucus action "to Class A and Class B
registrants longshoremen and clerks who are mem-
bers of the local unions" and that ballots "should be
distributed to only those who are members of the
union in good standing." The IEPC also cited a
May 5, 1997 decision by the Department of Labor in
a case where William Potts, then a Class B registrant
in Local 8, sought to run for local office. The DOL
found he was not a member of the local and not enti-
tled to run, since he had not fulfilled all the eligibili-
ity requirements, including being sworn in as a
member.

As a result the IEPC unanimously concluded that
the challengers had failed to meet the stand-
ard set by the International Constitution for suc-
cessful election challenges: they did not sufficient-
ly prove their case by competent evidence. In its
report the IEPC recommended the election results
stand and all candidates be seated and sworn in.

IEPC RULING QUESTIONED

On July 24 International Secretary-Treasurer
Ibarra announced the first meeting of the newly-
elected International Executive Board, setting it
for August 11-12, and reminded all members to
bring their campaign finance disclosure forms.
Two days later, on July 26, Local 13 President
and IEB member Joe Cortez sent a letter by certi-
Fied mail to International President Brian
McWilliams that arrived July 28. In the letter
Cortez said a majority of the old IEB (Vince Arista,
John Bukoskey, Roberto Flotte, latina Gratz,
Eusebio Lapenia, Nate Lum, Norm Parks, Oscar
Saucio, Brian Tanaka, John Toulouse and Pat
Vukich) had called a special meeting for August 4.
"The purpose of the meeting is to review the rec-
ommendation of the Election Committee and
address the outstanding question of whether Class
B registered workers may vote in international
elections," Cortez wrote.

The following day, July 29, McWilliams sent
Cortez a letter by fax in response, instructing him
that according to the union's Constitution a major-
ity of the IEB may request a special meeting, but
only the President had the authority to call such a
meeting and set its date. Furthermore, McWilliams
wrote, he had not received requests for such a
meeting from a majority of the IEB members.
McWilliams also directly addressed Cortez's con-
tention that the eligibility of Class B registrants
was still an open question:

"Let's cut the political maneuvering and
get to the meat of the issue. The Constitution,
including the Election Rules and
Procedures—documents which were adopted
by International Conventions and can only be
amended by International Conventions or
International referendums—require that to
be eligible to vote an individual must be a
member in good standing...Class B registered
workers are not by virtue of their registration
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IEB members on Cortez's list and they told him as President was entitled to interpret the IEB may reverse or modify this interpretation. McWilliams agreed to a special meeting. McWilliams said if and asserting 12 IEB members had "requested/called" the time and place "sometime prior to the IEB McWilliams had not received a request from a majority of members and so would not call a special meeting following the Convention." The clear intent, McWilliams wrote, "is to prevent an out-going members of a local union. You know, I know their intent, McWilliams wrote, "is to prevent an out-going new" one should have a chance to be heard. He but be able to vote in International elections is the height of hypocrisy."

SPECIAL MEETING REQUESTED

That same day Cortez responded by fax again asserting 12 IEB members had "requested/called" for a special meeting. Cortez wrote:

"If the meeting scheduled for August 11, 1997 will afford all current IEB members the opportunity to meet and rule on the Election Procedures Committee's report before the installation of officers, then we agree to that date. McWilliams pointed out to Cortez that the issue now McWilliams was saying it couldn't be done. McWilliams pointed out that although the new IEB would need to hear and rule on the election challenge, he would recommend that any individuals present who were on the "old" board but not on the "new" one should have a chance to be heard. He also reiterated his previous statement that he would recommend establishing a subcommittee of the IEB to look into issues of low voter turnout, election rules and procedures and how long Class B registrants and permit workers should have to wait before becoming full members of the union. Cortez faxed another letter to McWilliams August 6 saying McWilliams' position that there can be no special meeting of the old IEB was wrong. McWilliams stated that although the new IEB would need to hear and rule on the election challenge, he would recommend that any individuals present who were on the "old" board but not on the "new" one should have a chance to be heard. He also reiterated his previous statement that he would recommend establishing a subcommittee of the IEB to look into issues of low voter turnout, election rules and procedures and how long Class B registrants and permit workers should have to wait before becoming full members of the union. Cortez faxed another letter to McWilliams August 6 saying McWilliams' position that there can be no special meeting of the old IEB was wrong.

McWilliams faxed back later that day, correcting Cortez's recollection of the 1991 events. The first meeting of the IEB after the 1991 elections was held Sept. 11, at which the new Officers and IEB members were sworn in. McWilliams noted, that happened before the new IEB was held to discuss the problems of various Local union elections. "Now it seems your interpretation of the Constitution is that of self-serving motivation," Cortez wrote.

WHO'S ON BOARD?

On Monday, August 11 the newly-elected IEB members gathered at the International headquarters in San Francisco. Several of the old IEB members, two members of the IEPC, Larry Wing and numerous ILWU local officers and members also attended. Before convening the meeting McWilliams asked Dufresne, Freiboth and Parks—three IEB members who ran unopposed—to inspect the board members' campaign disclosure statements and to identify anything that might be inconsistent with the election finance rules of the Constitution. Though the meeting had not yet officially convened, Cortez immediately insisted on making a motion that the IEPC's report be dealt with first. McWilliams pointed out to Cortez that the issue was already on the top of the agenda and would be debated thoroughly once the board was convened. Local 26 President and Southern California Area IEB member Luisa Gratz then raised the question of whether the old or new IEB would debate and decide the issue. Gratz argued that the old board was still in effect until the new members were sworn in. Since a majority of the old board had requested a special meeting, she said, the Constitution required that the President convene it. (See Constitution excerpt, section 7 on page 6.) In response McWilliams referred to the section of the Elections Rules and Procedures that are incorporated into the Constitution dealing with election challenges. Since the IEPC, the body established by the Constitution to hear evidence of election challenges, found there was no proven challenge, all Officers were to be sworn in at this meeting. McWilliams said. Cortez countered that in 1994 the IEB met in special session June 17, after the Convention, but now McWilliams was saying it couldn't be done. McWilliams pointed out that although that special meeting did take place after the Convention, it occurred while the mail ballotting was still in process, ballots had not been counted and new officers weren't yet elected.

McWilliams then ruled Cortez's motion for a special meeting of the old IEB out of order until the present meeting was officially convened. At that point Cortez, Bukoskey, Lapenia, Cockett, De Ponte, Domingo, Espedite, Sanchez, Gratz and Tousseau walked out.
At that time McWilliams swore in new IEB members Austin, Beschum, Pecker and Hansen. 

Vice President-elect James Spinosa and Coast Committee members-elect Bob McEllrath and Ray Ortiz, Jr. declined to take their oaths until the special meeting issue was resolved.

Then IEB member Parks also walked out, leaving the group without a quorum, so McWilliams recessed the gathering until after lunch.

When the board members took their seats again that afternoon, Cortez presented another letter signed by a mixture of old and new IEB members demanding a special meeting of the old board. For more than an hour the members argued the same Constitutional issue of which board should convene to hear the challenge to the IEPC’s report.

Cortez agreed to have the old board be sworn in to hear the issue and the old board members be allowed to speak but not vote, and McWilliams gave up the chair to Vice President Spinosa during the debate. But after further discussion Tousseau amended his proposal, eliminating the part about McWilliams stepping down since the IEPC had found no proven challenge to his election and, anyway, the chair only sits in case of a tie. Cortez asked to have the old IEB members from Local 142 brought in from Hawaii and have them join in the meeting the next day.

In the ensuing debate both Freiboth and McWilliams made the point that even if the old board heard and decided the issue before the new board convened, the new board could immediately modify or reverse its decision. The special meeting would therefore be a waste of time and money, useful only for political maneuvering.

Parks asked if the IEPC had found the challenge valid it would be referred to the old board rather than the new, whose election would be affected by the challenge.

McWilliams replied that, in accordance to the Constitution, it would be heard by the new board minus a member affected by the challenge. He also pointed out that a challenge could impact members of the old board as well since so many had run for reelection. But this particular case could only affect the office of President.

Later in the debate Dufresne asked if McWilliams’ position on which IEB should hear the matter of the IEPC’s report could be construed as a Constitutional interpretation, that is, as the International President’s right and duty to interpret the International Constitution as every local’s president interprets their local’s Constitution.

McWilliams responded by reading from Article XIV of the Constitution on that issue.

“Whenever any question of interpretation of this Constitution arises, it shall be submitted to the International President whose interpretation shall be final and binding, unless appeal is taken as herein provided for. Any member of a local aggrieved by an interpretation of the Constitution may appeal to the Executive Board, and the Executive Board upon such appeal being made to it may reverse or modify the interpretation by a majority vote. A further appeal may be taken to the Convention of the International, which may reverse or modify the interpretation by a majority vote. Pending any appeal, the interpretation of the President of the Executive Board if it reverses or modifies the President’s interpretation by a majority vote, shall remain in full force and effect.”

McWilliams added that the IEB could only take up the matter of his interpretation after it is officially convened.

SECTION 11 OF THE ILWU CONSTITUTION

Section 11. International elections shall be conducted by mail ballot in accordance with the ILWU Election Rules and Procedures, incorporated herein by reference. All officers elected shall take office at the first Executive Board meeting following the Convention.

ELECTION RULES AND PROCEDURES / RULE 4C

Equal Rights of Members: Every member of the Union shall have equal rights and privileges to nominate candidates, to vote in elections, to attend membership meetings, and to participate in the affairs of the Union, subject to reasonable rules and regulations of the Union as specified in the ILWU Constitution and By-laws and rules, constitutions and By-Laws of the affiliates to the extent they do not conflict with the ILWU Constitution and these rules.

Final Decisions By International Executive Board Re-Election: The International Executive Board (IEB) shall have the exclusive and final authority to adopt, overrule or modify the tabulations of the International Balloting Committee and any findings and recommendations by the International Election Procedures Committee regarding any challenges. In the event challenges are filed that result in a report by the International Election Procedures Committee, the IEB shall meet within 30 days of the issuance of that Committee’s report for the purpose of adopting, overruling or modifying such report and reported tabulations of the International Balloting Committee. In the event challenges are not filed that result in issuance of a report by the International Election Procedures Committee, then the IEB shall at its next regularly scheduled meeting review the reported tabulations of the International Balloting Committee for adoption, rejection or modification.

A long discussion ensued on Tousseau’s suggestion that the old Local 142 IEB members be flown in for the following day and that members of the old board be allowed input in the debate but the new IEB would make the decision. When it looked as if there was a general consensus that this was a workable compromise Freiboth suggested that before the different sides started nitpicking the idea to death again, they just quickly agree to it and recess until the next day.

Cortez agreed to have the old Local 142 members brought in for the next day, but then made an ambiguous statement that almost implied he still expected the old board to vote on the issue even though the proposal that the old IEB would have voice but no vote was clearly stated numerous times by several board members. Bukoskey then said he agreed with Freiboth’s motion and McWilliams recessed the meeting.

The BOARD WALKS

The next day’s session began with McWilliams recapping the discussion of the day before for the newly arrived members of the old board.

Pat Vuckich, an old IEB member from the Puget Sound Area, objected immediately, saying he thought everyone had agreed to let the old board hear the issue and decide on it, and then let the new board be sworn in, convened and do whatever it wanted with the old board’s decision. Gratz and Tousseau agreed and the discussion continued on the same issue of which board should convene to hear the issue.

After a break McWilliams asked one more time for the new board members who had not yet sworn in (basically the Local 142 delegation; Cockett, De Ponte, Domingo, Espeleta and Sanches) to take their oaths of office, but they declined.

The stalemate over which board should con-
IEB splits on election
continued from page 7

1997, immediately following the meeting of the old International Executive Board. The purpose of this meeting will be to conduct the regular business of the International, to act upon the recommendation of the old International Executive Board, if any, and to act upon the reports of the International Balloting Committee and the International Election Procedures Committee.

Gratz immediately objected to the call and its limited agenda. She claimed again that the old IEB should hear the reports of the IBC and the IEC and made a motion to change the agenda to include that. McWilliams, as chair, ruled her motion out of order. According to Robert's Rules of Order (the procedures the Convention adopted for running the union's meetings) a "special" meeting can only address the issues stated in the meeting's call, he said.

Gratz challenged the chair on the point of whether the agenda could be changed. McWilliams ruled Gratz's challenge out of order since challenges cannot violate the rules of procedure. The proper process for Gratz's move, McWilliams said, was to move to suspend the rules, which requires a two-thirds vote.

Calling the challenge "an abuse of the whole process," McWilliams nevertheless allowed it to go before the board. "It causes so much discussion here and now it will just serve as somehow thwarting the democratic process, we need to get it out of the way so we can say we did it," he said.

Gratz explained why she challenged the chair, asserting again that the old board's only request for a special meeting was Constitutionally valid. She accused McWilliams of "hiding" behind Section 11, Page 14 of the Constitution, where he says all officers elected shall take office at the first Executive Board meeting following the convention.

"Now, that is all fine and dandy were there no challenges. Were there not a single challenge, Brian would be correct. But because there were challenges and there was a special board meeting for the purpose of investigating the merits of the challenge, which may prove to be major, nobody can be sworn in where there is a challenge to the election until those challenges are resolved..."

McWilliams responded that in fact the IEC "found there was no competent evidence to sustain a challenge" so there was not a valid challenge before the board to interfere with installing the new IEB members. He reiterated his argument that the matter should properly go before the new board, but that he was trying to find a compromise in calling this special meeting "in the best interests of democracy and the organization...to make a recommendation on the membership criteria for voting in an International election." He again asserted that the challenge was a violation of the rules and that if the board wanted to change the agenda it should vote to suspend the rules rather than challenge the chair.

With Vice President Hoshijo assuming the chair a roll call vote was taken and the challenge was sustained by a ten to nine vote. Those voting to uphold the challenge to the chair were: Bukoskey, Cortez, Flotte, Gratz, Lum, Parks, Saguico, Tanaka, Toasseau and Vukich. Those voting against the challenge were: Billeci, Dufresne, Freiboth, Lapenius, Machado, Thibeaux, McWilliams, Austin, and Rich Austin.

With that Gratz's original motion to hear all challenges having to do with the election was on deck. Gratz then amended her motion, expanding it to "hear the challenges to the election and the concerns that various board members have received through correspondence and questions about the way the conduct of the election procedure was handled by the Election Procedures Committee, and evidence that has not been allowed to be heard must be heard by this International Executive Board, and any other related improprieties that may have been reported to a board member."

Before a vote on the motion was taken, IEC member Machado objected to it, saying it assumed the IEC mishandled the challenges and alleged some evidence was not allowed to be submitted to the IEC. "We took all evidence that was given to us at that hearing," Machado said.

In the ensuing debate Ibarra argued that the board cannot do something illegal or unconstitutional simply because a majority votes for it. For example, he said, the majority of the board may want to have a special meeting to double their salaries, but the union's Constitution says only the Convention can do that. If board members were to vote themselves raises anyway, the President would be required to tell board members they could not do so.

Likewise, Ibarra continued, Gratz's motion eliminated the procedures established by the Convention to deal with election challenges. It violated the Constitutional process for dealing with those, that is that the IEB can only hear challenges filed with the IEC within the designated time frame. Even with a majority vote, the board does not have the right or power to do those things, he said.

Bukosky argued the board needed to discuss a number of other issues "related to the election." He noted Cortez did not believe he was given a fair hearing by the IEC. He brought up a challenge filed by Fred Pecker of Local 6 about an alleged improper use of the Local 6 mailing list in an opponent's campaign mailer that was not addressed by the IEC:

"What are we afraid of?" he asked. "Are we afraid of really getting everything out on the table? We can't tell them 'You have to stay with your challenge.' We don't have that authority."

The board then decided to have challenger Larry Wing present his case. Reading from his original challenge Wing noted that on July 7, the day the ballots were counted, approximately 700 ballots from Local 13 were set aside and not counted. "On whose authority were these ballots held ineligible and what specific section of the Balloting Committee ruling ballots ruling were used as a basis for this action?" Wing asked. He then asserted. "Until these and other questions are answered to my satisfaction and since there is a history of Class B members voting in International elections, I am requesting that the Election Procedures Committee arrange to have these ballots counted and included in the final official count prior to the new officers being sworn in."

Wing then said he was appearing before the IEC to address the IEC's report of July 21, 1994 because the board reviewed the Balloting Committee's report on the 1994 election. The report said:

The definition of members in good standing needs to be brought to make sure that only those eligible are allowed to vote. Under current rules, there is no criteria governing who may be submitted as a member in good standing. The decision is solely that of the local. There need to be provisions so that a local cannot submit names of people who are not real members."

Wing then cited the report of the International Balloting Committee, dated July 12, 1994. In it the IBC requests that the issue of members in good standing per Rule 3 of the Election Rules and Procedures be referred to the next convention for clarification. "That is what my appeal was based on," Wing said.

In accordance with Rule 17 (h) of the Election Rules and Procedures, Wing continued, "I am requesting that the International Executive Board overrule and modify the tabulations of the Balloting Committee report because of it not being accurate and was prejudiced. Likewise, the Executive Board should overrule, reject and modify the International Election and Procedures Committee report of July 21, 1997 because their conclusions are based on omission of errors and misrepresentations, as I will detail...

Wing claimed the IEC "was not properly elected in accordance with Rule 15, which implies that nominations be submitted by the delegates..."
and a vote then taken" and that they're supposed to be incumbent Executive Board members who are not candidates. "This committee was hand-picked by McWilliams and company and their assignment was and still is to maintain the status quo at any cost," Wing said.

[Ed. Note: The composition of the IEPC was decided by the International Convention in April 1994. The topic is on pages 101-102 of the Sept. 4 IEB transcript, he was asked to serve on the IEPC by Hawaii Local 142 officers because he had sat on two committees dealing with challenges in his local, according to page 46 of the same transcript. Wing was selected by the Northwest delegation at the Convention, Wyatt, from Local 17 in Sacramento was chosen because the International needed someone from the Northern California area to coordinate with and he had served on previous election committees.]

Wing called the statement in the IEPC report that the challengers were not provided evidence to support their challenges "a misrepresentation and a distortion of the facts." Wing also said he made a short statement on why Class B registrants are eligible to vote and submitted it in writing, and read the July 12, 1994 IBC report into the record as a basis for his challenge, but these were omitted from the report.

Again Wing cited the July 12, 1994 IBC report that the August 1992 and 1997 Conventions "failed to clarify the definition of a member in good standing in the union. Since that didn't happen and the 1994 IEB had accepted the report that left the decision up to the members, the meaning of the definitions the IEPC could not make that decision for Local 13, Wing said.

Wing also called the IEPC's statement that the challengers failed to provide competent evidence to prove their case "more omission and misrepresentation." And he alleged that the IEPC members had already made up their minds on Class B registrants eligibility before the hearing.

"We summed up all our reasons for the disputed Class B registrant ballots to be counted. Cortez followed with a short statement asserting that the IEPC "was not put together properly" and "had already made a decision that the B men weren't going to vote." He suggested "either we count them ballots or have a new election."

**TO COUNTS Bs OR NOT TO COUNT Bs**

Thibeaux noted that Rule 3 isn't as vague and ambiguous as Wing suggested and doesn't just allow the local to declare anyone eligible to vote. He says members are eligible to vote "in accordance with such affiliate's [local's] established rules defining membership in good standing." For example, his local's Rule 10, has strict requirements for membership, he said. "You have to be a man of good moral character, you have to fill out an application, you have to be 18 years of age, you have to be capable of doing the longshore work, you have to submit initiation fees. And you have to submit the application to the secretary-treasurer, who then submits it to an investigating committee. The investigating committee grants or doesn't grant a membership, he explained.

Thibeaux also noted Rule 4 (c) (see Constitutional excerpt, page 7) that says every member of the union shall have equal rights to privileges to nominate candidates, vote in elections, attend membership meetings and to participate in the affairs of the union. At the hearing IEPC member Machado asked Cortez if his Class B registrants nominated candidates, voted in local elections and participated in the affairs of the local. Cortez's answer to all those questions was no. "Now if you look at those comments and you look at what the rules and procedures talk about, equal rights of members, that doesn't sound like a member to me," Thibeaux said.

Lum responded that according to Thibeaux's argument there were 2,000 ballots sent to Hawaii Local 142 members who were four to six months in arrears on their dues and therefore, according to Local 142's Constitution, were no longer members in good standing. He said Local 142's secretary-treasurer knowingly put these people on the eligi-

September 1997

Leonard Hoshijo (International Vice President, Hawaii)
that although Election Rule 17H (see Constitu-
tional excerpt, page 7) allows the IEB to adopt, 
override or modify the IEPC report, it must be 
done based on the challenges, not other issues 
the board itself raises.

"If we set aside the election on something other 
than the challenges, I think we’ve got problems 
with our own rules and Constitution and indirect-
ly, therefore, the law," Hoshijo said.

McWilliams agreed and ruled the motion out of 
order.

Bukoskey objected, saying his motion was 
related to the challenge since Cortez had asked 
that either the ballots be counted or the election be 
thrown out.

Thibeaux responded by citing the Election Rules 
and Procedures. “Rule 17 says the International 
Executive Board in its final decision shall be gov-
erned by the standards in resolving the challenges,” 
he said. “You just can’t do what you want. You’re 
governed by the standards. And it says only those 
challenges which are sufficiently proven by compe-
tent evidence and also which are found to have 
affecting the outcome of the election can serve as 
a proper basis for setting aside an election result and 
ordering another election for International office.”

Thibeaux also noted that, according to the 
rules, if someone wants to challenge another per-
on’s election, they have to send that challenge to 
the IEB within four days of the election. 
Bukoskey’s motion would throw out all IEB mem-
bers, yet none of them were challenged within the 
proscribed time limit.

Lum then moved the board overrule the IEPC 
and count the Local 13 Class B registrant ballots.

Hoshijo asked if the board would give the IEPC 
members permission to speak on the motion or the 
report. Gratz refused to grant them that courtesy. 
Instead the board voted on Lum’s motion. It was 
defeated 9 to 10, effectively recommending that 
the motion followed proper procedure.

"It [the Constitution] says... ‘The International 
Executive Board, in final decision, shall be gov-
erned by the following standards in resolving chal-
genles. Only those challenges which are sufficiently 
proven by competent evidence and also are found to 
have affected the outcome of the election shall serve 
as a proper basis for setting aside any election 
results and ordering another election for any 
International office. Only those particular offices 
or referendum questions whose outcomes are directly 
affected by a proven challenge to the conduct of 
the election may be subject to setting aside the elec-
tion results and ordering of a new election.”

Thibeaux continued, “There is no challenge 
dealing with this issue that is on the deck now. And 
because it wasn’t, I don’t know how it has an 
impact on the results. All we have to do is agree 
there was no fraud and that is the end of the issue.”

Gratz responded that since the IEPC report 
was not sustained, the board could not use it as a 

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Joe Ibarra (International Secretary-Treasurer)

Open Letter From The International 
Election Procedures Committee

September 19, 1997

Dear rank and file members of the ILWU:

I am addressing you as the Chairman of the International Election Procedures 
Committee. The purpose of my committee was to oversee the election, the process used 
to carry out the Department of Labor, and to hear and investigate any timely challenges to the 
election. After due process of hearing the challengers’ arguments and evidence, the determina-
tion of this committee was to recommend to the International Executive Board to disallow the 
challenges and to accept and certify the results of the election.

The Executive Board allowed my committee to read the report. They did not allow 
my committee to address any of the accusations that were made by the challengers, or by mem-
bers of the International Executive Board. They then made a decision not to accept our 
report.

The Executive Board, by a majority vote, voted to rerun the election of Local 13 only. 
Their decision was not made on the challenges of the eligibility of “B” books voting. Their 
decision was not made by the reports of the Ballot Committee or the Elections and 
Procedures Committee. They made their decision on allegations that had no proof or merit. 
It is a shame that the International Executive Board would ignore the reports of the two 
committees appointed at an International Convention and make a decision totally contrary to 
the International Constitution election rules.

On behalf of my committee, I am requesting that each of you contact the International, 
and instruct the International Executive Board to accept my committee’s report and certify the 
election.

Fraternally, International Election Procedures Committee

Mike Machado, Member
James Dean, Member
Jack Wyatt Sr., Chair

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The new IEPC's report with the old board's recommendation to rerun the Local 13 election.

McWilliams agreed and ruled the motion out of order. Bukoskey then moved to accept the recommendation of the old board, to rerun the Local 13 election. Pecker raised the point of order.

Freiboth countered that he thought the motion was appropriate. "I feel that the election procedures in Local 13 were the subject of challenges and, in a general sense, to deal with that challenge on the subject of the voting procedures in Local 13, I felt the motion was close enough to the issue to be acted upon," he said.

Pecker reiterated that the Constitution's rules and procedures on dealing with challenges were passed by the Convention and the IEPC does not have the power to change them.

Tousseau countered that Rule 17H "says the International Executive Board in ordering a rerun of the election for office of President in Local 13, the authority to say, 'Well, you said that which might come into play in the Local 13 rerun election procedures and facing a new election, McWilliams asked the board what rules they wanted to use. Freiboth moved that they use the same rules as in the previous election."

Hoshijo raised a couple of practical questions. Since the rules call for time limits, so many days after the Convention ballots must be mailed and so many days later they must be counted, etc., would the board substitute this meeting for the Convention? And what contingency plans would be made if the people on the IBC and the IEPC did not have to rotate their positions?

McWilliams asked the board what rules they wanted to use. Freiboth moved that they use the same rules as in the previous election. Hoshijo raised a couple of practical questions. Since the rules call for time limits, so many days after the Convention ballots must be mailed and so many days later they must be counted, etc., would the board substitute this meeting for the Convention? And what contingency plans would be made if the people on the IBC and the IEPC did not have to rotate their positions?

Freiboth responded that his intent was to adhere as closely as possible to the existing rules to avoid challenges based on deviating from the Convention's will. The motion passed on a voice vote.

With the meeting time running out the board went through a list of all the concerns any of its members had with the election process, deciding which might come into play in the Local 13 rerun election and which could be dealt with later. It then quickly dispensed of those issues with little debate and adjourned the meeting.

ApPEAls

Starting September 18 International President McWilliams began receiving a number of appeals of the IEPC's decision to rerun the Local 13 election from officers and members of many locals (see page 21). The appeals cited Article IX of the International Constitution which allows any member of the union to file an appeal "claiming that an action or decision of the International, any division of subordinate body of the International, or any local union is in violation of this Constitution and Bylaws..."

In response, McWilliams stayed the Local 13 election pending the resolution of the appeal. He sent a letter to all IEPC members informing them of the action and explaining the next process.

Dear Brothers and Sisters:

Please be advised that between September 18 and 26, 1997 Jack Wyatt, Sr. and other local union officers and members filed appeals under Article IX of the International Constitution claiming that the action of the International Executive Board in ordering a rerun of the election for office of President in Local 13 violates the International Constitution. Copies of those appeals are enclosed for your review.

Pursuant to Article IX, Section (a)(3) the International Executive Board has 30 days in which to file a written response. In order to facilitate this process, I have assigned to Vice President James Spinosa, who voted with the majority, the task of submitting the Board's written response. Vice President Spinosa will have access to whatever International resources he may need to develop the written response. Further, any Board member may submit his/her written opinion, pro or con.

These appeals and the serious legal questions they raise, as identified by legal counsel, require the postponement of the rerun election in Local 13 until these issues are finally resolved. Accordingly, and pursuant to my authority under Article VI, Section 7 of the International Constitution, I am immediately postponing all further procedures for the Local 13 rerun election.

Insofar as relevant, that provision reads:

He [the President] shall perform such other duties as are provided elsewhere in the Constitution or as may be necessary in order to carry on the business of the International, and shall have full power to do all things necessary to the carrying out of his duties as International President. Fraternity. Brian McWilliams President

McWilliams will review the response from the board and issue a decision on the appeal. Then either party, the appellants or the IEPC, can appeal the decision to the IEPC.
An Appeal of the IEB Decision
by ILWU Officers

The undersigned members appeal to the President of the International Union from the decision of the International Executive Board to have a rerun election in Local 13 for the office of International President. This appeal is made pursuant to Article IX of the Constitution of the International Longshore & Warehouse Union. The grounds for this appeal are (1) that there is no evidence that there was fraud in the original election held in Local 13; (2) that the accusation of fraud only related to Class B votes which the International Executive Board has ruled were properly excluded from the tally in the original Local 13 election, and therefore did not affect the outcome of the original election; (3) that by limiting the rerun election to the office of International President the decision unlawfully discriminates against the candidates for that office; and (4) that the International Executive Board does not have authority to direct a rerun of the Local 13 election on the basis of an accusation of fraud because there was no objection filed to the original election on that ground.

Jack Wyatt, Sr., Local 17 and IEPC Chair
James Dean, Local 52 and IEPC member
Michael Machado, Local 142 and IEPC member
Richard Kahalki, Local 18 President
John Carlin, Local 17 President
Pat Callahan, Local 34 Secretary-Treasurer
Fred Franklin, Local 34 Executive Board
Frank Riley, Local 34 LRC
Geoffrey Follins, Local 34 Trustee
Rudy Rubio, Local 34 Relief Dispatcher
Nicholas Granich, Local 34
Frank Borg, Local 34
Frank Toffo, Local 34
George Lucas, Local 34
Derek Hollis, Local 34
Ronald Cotlighthouse, Local 34
August Kim, Local 34

Danny Carson, Local 54, President
Frank Leonis, Local 54 Secretary-Treasurer
John Drayer, Local 54 LRC
Chuck Foreman, Local 54 LRC
Tony Flores, Local 54 Vice President LRC
Lee Flood, Local 54 Executive Board
Fred Newman, Local 54
Dennis Brueckner, Local 54 LRC
Al Walscott, Local 54 Executive Board
Edward E. Miller, Local 7 President
John Munson, Local 7 Vice President
Willis Roughton, Local 7 Secretary-Dispatcher
Guy E. Williams, Local 7 LRC
Don Liddle and the entire IBU Columbia River Region
Harold Pyatie, Local 32 President
James Larson, Local 32 Vice President
Ron Medicall, Local 32 Secretary

Gig Larson, Local 32 Business Agent
Jerry Rooker, Local 32 Dispatcher
Kenneth Hudson, Local 32 Executive Board
Richard Schneider, Local 31 Executive Board
Jim Jeschke, Local 32 Executive Board
Brian Fayette, Local 25 President
Ray Paster, Local 30 President
Ronald C. Roquemore, Local 30 Secretary
Harold E. Bell, Local 30 Executive Board
George E. Richardson, Jr., Local 30 Executive Board
James L. Bates, Local 30 Executive Board
Kenith R. Swindle, Local 20 Executive Board
Walter R. Unsted, Local 30 Executive Board
James A. Higgins, Local 30 Executive Board
Dan Holcambo, Local 91

This is an open letter to the active brothers and sisters of our union.

We, the retired members and our spouses of this great union, are seriously and grievously concerned about the current critical state of affairs, and indeed the very future of democratic trade unionism as we know it in this I.L.W.U.

You should know that we cherish the principles of rank and file unionism that we and our predecessors, under the incomparable leadership of Bridges, Robertson, Goldblatt, and Chester, fought so hard for so that we could pass on a better life to you and, you in turn, to your successors.

You may say, “Hey Old-timers, move over. You had your day, now it is our time, our show!”

Well, Brothers and Sisters, it is not going to work that way without our voices being heard loud and clear.

We do have a big stake in your trials and tribulations, both inside the union halls and when you sit across the table and negotiate pork chop issues, including our pension and benefits.

We want to be perfectly clear here. You are less than 20 months away from longshore negotiations! The leadership must be prepared for the tremendous task ahead. No other union has the historic democratic tools that we will employ to create a Negotiating Committee and a proper set of demands that the rank and file deserves.

Let us be even more clear—we mean crystal clear.

If any of you active members, individually and/or collectively, are attempting to distance yourselves from our Constitution, our cherished Constitution, by ignoring our electoral processes, our tried and true democratic tenants that we struggled to preserve clear up to the Supreme Court of this land, you will not succeed!

The rank and file will not be coerced nor intimidated, nor fooled by the goings on in our midst!

You have had the International election, the rank and file spoke, it was certified by the Constitutionally-created Balloting Committee and that, Brothers and Sisters, is where it should lay! End of story!

Let us stop the nonsense and get down to trade union business! 1999 may be one of our most difficult years of struggle and we must, we repeat must, be prepared and united in that struggle, all of us, each and every one, both active and retired!

INDEED, AN INJURY TO ONE IS AN INJURY TO ALL! LET US COME TOGETHER NOW. LET US GET BACK ON THE BEAM!

In solidarity — Adopted by the delegates in session this, the 17th day of September 1997, 30th Annual Convention of the Pacific Coast Pensioners Association. West Coast Long Beach Hotel, Long Beach, California.