

5-27-71 - polls closed

next mem-ship mtg. - 6-20-71

JUS - PROTEST → McKinnon - 6-20-71

PETITION FOR RECOUNT > By-LAWS
POSTED - 6/1/71 5 days after results are posted,

7 days }
mem
↓
IEB
↓
PRB
↓
C-C

SUIT UNDER §609 - 250 chall'd ballots,

PROTEST / COMPL - Title IV

AUTHORIZATION

I, _____, hereby authorize the _____ law firm of G + A to file a lawsuit under the Labor-Management Reporting + Disclosure Act of 1959, as amended, regarding the local election at UAW, local 961, held on 5-26 + 5-27-71.

X _____

Local 961,

Elroy Richardson, Pres.

Gordon Francis, Financial Sec.

Russell Thompson, Act'g Chmn, Elec Committee

CO 3-7488x

962-6737

.15
40

600
67.56
3) 203.00
15

23
21

20
67.66
67.66

135.32

From:

LAW OFFICES OF
GLOTTA, ADELMAN AND DINGES
FOURTH FLOOR, HARTZ BUILDING
1529 BROADWAY
DETROIT, MICHIGAN 48226

To:

Mr. Jordan U. Sims
571 Harding
Detroit, Michigan 48214

ATTENTION ELDON WORKERS

Important Court Case concerning all Eldon Workers!
2:00 p.m. Friday June 18th 7th floor Federal Building
downtown, Lafayette and Shelby, Judge Kaess.

Everyone knows the recent run-off election for President of Local 961 was very close. Only 36 votes separated the winner Frank McKinnon from the loser Jordan U. Sims.

But do you know approximately 254 ballots, almost all from the Production departments, were challenged and not counted by the Election Committee? The reason given was these members were claimed delinquent in their dues. BUT THIS DOES NOT MEAN THEY ARE NOT ENTITLED TO HAVE THEIR VOTES COUNTED!

The U.A.W. Constitution says no member is officially delinquent until he has been officially notified by the Financial Secretary of the Local. In most cases this has not been done. Furthermore, since 1945 the Constitution has required that all members are entitled to vote in a local election and have their votes counted if there is an automatic dues check-off and the company has failed to check off their dues. (page 145, U.A.W. Constitution)

The Landrum-Griffith Act of 1959 says the same thing. If there is a dues check-off no member can have his vote taken away because of dues delinquency. The same Federal law also says ALL union members are entitled to EQUAL RIGHTS to vote in union elections.

Brothers and sisters, history has repeated itself at Eldon. This same thing happened in 1968 in the Convention Delegate elections. Many members lost their votes because the Company and the Union failed to check off dues according to contract and keep proper records. The situation was investigated then by high union officials and corrections were promised. Evidently these promises meant nothing since the very same situation exists today.

Brothers and sisters, we must understand 254 members of this Local Union had their votes wrongfully taken from them, 254 votes which could very well change the outcome of the election. A number of these workers have gotten together and filed a lawsuit, a class action, in Federal Court on behalf of all those whose ballots were not counted. The purpose of this suit is to force the Election Committee to open and count all 254 ballots---as required by Federal Law and the U.A.W. Constitution.

Brothers and sisters, this lawsuit may determine the future of Local 961. It is therefore a matter of grave concern to each and every worker at Eldon Gear and Axle. We strongly urge every Eldon worker who possibly can to attend the trial of this case. **IT CONCERNS YOUR UNION; IT CONCERNS YOU!**

2:00 p.m. Friday June 18, 1971. Judge Kaess, 7th floor, Federal Building, downtown, Lafayette and Shelby.

**THIS
LAW SUIT
CONCERNS
YOU**

Friday, June 18, 1971

2:00 p.m.

Federal Building

Lafayette and Shelby

7th floor • Judge Kaess

ATTENTION

ALL

ELDON

WORKERS!

AN IMPORTANT COURT CASE
CONCERNING ALL ELDON
WORKERS WILL BE HEARD
ON FRIDAY, JUNE 18, 1977
AT 2:00 P.M. IN THE
FEDERAL BUILDING, ON THE
7TH FLOOR.

THE FEDERAL BUILDING IS
LOCATED ON THE CORNER OF
LAFAYETTE AND SHELBY.

Everyone knows that the recent run-off election for President of Local 961 was very close. Only 36 votes separated the winner, Frank McKinnon from the loser, Jordan U. Sims.

But do you know approximately 254 ballots, almost all from the Production departments, were challenged and not counted by the Election Committee? The reason given was that these members were claimed delinquent in their dues. BUT THIS DOES NOT MEAN THAT THEY ARE NOT ENTITLED TO HAVE THEIR VOTES COUNTED!

Whose ballots were challenged? If you were asked to put your ballot in an envelope and write your name, badge, and department number on it, your vote was challenged and not counted!

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IT CONCERNS YOUR UNION, IT CONCERNS YOU!!!

1811

sion or suspension, against members for refusal to obey its lawful regulations;² in some jurisdictions it may have such a power aside from and independent of any provisions in its laws.³ The union laws may also provide for the creation of tribunals for the trial of offenses,⁴ and of tribunals for the review of the decisions of the trial tribunals. A court may interfere with a decision of a union tribunal expelling or suspending, or imposing a fine upon a member (1) where the conduct for which he was disciplined is not, or could not reasonably be made, a punishable offense by the union laws,⁵ and (2) where the

2. See Am Jur, Labor (Rev ed § 63).

As to refusal of a member of a labor union to pay an assessment imposed by it for purposes of promoting or defeating contemplated legislation as ground for suspension or expulsion, see annotation in 175 ALR 397.

As to the right of an association to expel or discipline a member for exercising a right, or performing a duty, as a citizen, see annotation in 14 ALR 1446.

3. See *Weinstock v Ladisky* (1950) 197 Misc 859, 98 NYS2d 85, and cases cited therein.

4. *Riverside Lodge v Amalgamated Assn. of I. S. T. W.* (1935, DC Pa) 13 F Supp 873.

5. See cases collected in the annotation in 21 ALR2d 1397 at page 1402, footnotes 6, 7.

6. As to whether and to what extent defects in the proceedings instituted in a labor union for expelling, suspending, or fining a member justify judicial interference, see annotation in 21 ALR2d 1397.

7. The remedy by mandamus to compel reinstatement of a suspended or expelled member of a labor union is treated in an annotation in 141 ALR 617.

8. As to liability in damages of a labor union or its officers or members for wrongful suspension or expulsion of a member, see annotation in 74 ALR2d 783.

9. For the sake of brevity these remedies will be referred to hereinafter as the "intra-union" remedies.

10. Cases dealing with actions of a union member in connection with

proceeding is so defective as to render the tribunal's decision void.⁶

A union member who is aggrieved by the allegedly wrongful action of the union in expelling or suspending him may either sue for reinstatement as a member in good standing⁷ or may sue for damages resulting from his wrongful expulsion,⁸ or for both reinstatement and damages. Like the earlier annotation, the present one is concerned with the question whether exhaustion of the remedies provided by the constitution or bylaws of the union⁹ is a condition precedent to the right of such a member¹⁰ to resort to the civil courts for relief.¹¹

the imposition of a fine or any other disciplinary measure short of suspension or expulsion are generally excluded. A reference by way of illustration to a case of this kind is made only where necessary for an understanding of the law of a particular jurisdiction.

The annotation does not deal with cases involving a suit for an injunction against disciplinary action which was merely threatened by a union, but had not yet resulted in suspension or expulsion of the plaintiff. For an illustrative case of this kind, dealing with the doctrine of exhaustion of intra-union remedies, see *Junkins v Communication Workers of America* (1954, Mo) 263 SW2d 337, transf 241 Mo App 1027, 271 SW2d 71 (the Court of Appeals quoting from the original annotation in 168 ALR 1462).

For a case dealing with the requirement of exhaustion of intra-union remedies under the Federal Labor-Management Reporting and Disclosure Act of 1959 (discussed in §§ 19, 20, *infra*) as a prerequisite of a union member's application for a preliminary injunction restraining defendant union from expelling plaintiff pursuant to the union trial committee's recommendations, see *Deluhery v Marine Cooks & Stewards Union* (1961, DC Cal) 199 F Supp 270.

11. For the sake of brevity the rule requiring a union member to exhaust his intra-union remedies before resorting to a civil court will sometimes be referred to hereinafter as the "exhaustion rule."

The question whether of intra-union remedies is as a condition of resort to an expelled or suspended should be distinguished question, not discussed in t annotation, whether a union by filing an appeal with a bunal, is bound by his el consequently must await of his appeal before resor courts.¹²

Cases in which a union seeks reinstatement to a from which he was removed included herein except w appears that the member w removed from office, but al ed or expelled from the ur outside the scope of this is a situation in which a as a unit was expelled fro union.¹⁴

The requirement that suspended or expelled fr ciation other than a lab tion exhaust the remed within the organization sorting to the courts is social clubs or a simil: 20 ALR2d 344 at page to churches or religious: 20 ALR2d 421 at page as to professional assoc ALR2d 531 at page 564

As to exhaustion of p cedures or of remedies a collective bargaining a condition of an emplo: civil courts for his asse ful discharge, see ann ALR2d 1439.

12. For a case discus tion, see *French v Ladi Misc 549, 78 NYS2d 69 op 274 App Div 765, 80*

13. For illustrative solely with the quest union officer who had from his office may resc without exhausting t remedies, see *Elevato Starters' Union v New Cal 2d 799, 186 P2d Duffy* (1951) 90 Ohio A Ops 233, 61 Ohio L Ab 760.