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# Union Constitution Provisions:

## TRUSTEESHIP

- Reason for trusteeship
- Hearing requirements
- Powers of trustee
- Duration
- Appeals

Bulletin No. 1263  
UNITED STATES DEPARTMENT OF LABOR  
James P. Mitchell, Secretary

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## Preface

As part of its regular program of studies dealing with union activities, the U.S. Department of Labor's Bureau of Labor Statistics undertook this analysis of the trusteeship provisions in the constitutions of national and international unions. The 114 constitutions studied covered approximately 95 percent of the membership of all national and international unions in the United States. All of these constitutions were in effect during the year preceding the enactment of the Labor-Management Reporting and Disclosure Act of 1959.

Readers of this bulletin may also be interested in the Bureau's study of constitution provisions covering the election and tenure of national and international officers (Bulletin 1239, November 1958).

This study was undertaken and the report was prepared in the Bureau's Division of Wages and Industrial Relations by Harry P. Cohany and Irving P. Phillips.



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## Union Constitution Provisions:

### Trusteeship

#### Introduction

The authority of a national or international union<sup>1</sup> to discipline a local union or another subordinate body by appointing a trustee (or receiver, supervisor, administrator, or representative) to assume control over its affairs is a grant of power specifically provided for in many union constitutions. Trusteeship is one of the means whereby the parent organization can assure compliance with its directives, prevent violation of the constitution, supersede dishonest or inadequate officers, and guard against financial and other malpractices on the local level.<sup>2</sup> However, the trusteeship device, as hearings before congressional committees have revealed, can also be utilized by corrupt officers for personal financial and political gains.

The AFL-CIO Ethical Practices Code VI, entitled "Union Democratic Processes" and adopted in May 1957, urged affiliates to deal with the trusteeship issue as follows:

To ensure democratic, responsible, and honest administration of its locals and other subordinate bodies . . . unions should have the power to institute disciplinary and corrective proceedings with respect to local unions and other subordinate bodies, including the power to establish trusteeships where necessary. Such powers should be exercised sparingly and only in accordance with the provisions of the union's constitution, and autonomy should be restored promptly upon correction of the abuses requiring trusteeship.

The Labor-Management Reporting and Disclosure Act of 1959 recognized the legitimate purposes of trusteeships and provided for certain safeguards against the misuse of such procedures. The section of this act dealing with trusteeships states, in part: "Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization."<sup>3</sup>

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<sup>1</sup> Throughout this bulletin, the terms national and international union are used interchangeably.

<sup>2</sup> Information on the number of trusteeships in effect at any one time by all national and international unions is not available. However, a report on the number of local unions of AFL-CIO affiliates under trusteeship is contained in the Hearings before the Subcommittee on Labor of the Committee on Labor and Public Welfare, U.S. Senate (86th Cong., 1st sess., 1959), pp. 85-86. According to a list of 99 unions submitted by Andrew J. Biemiller, Director, Department of Legislation, AFL-CIO, 75 had no locals under trusteeship, and 24 reported 97 locals so disciplined. It should be noted that these 24 international unions accounted for more than 20,000 local unions, in total.

<sup>3</sup> Title III—Trusteeships is reproduced in full in appendix B.

This study analyzes the formal rules stipulated in union constitutions governing the establishment of trusteeships, the grounds for such action, hearing requirements, the status of the local unions and their officers during such periods, and the provisions applying to termination and appeal. It is primarily a summary of union laws in effect prior to the enactment of the Labor-Management Reporting and Disclosure Act of 1959, and does not extend to union practices.

For this study, the constitutions of 114 national and international unions, each with 10,000 or more members, were analyzed.<sup>4</sup> These 114 unions accounted for 17.5 million members, or about 95 percent of the total membership of all national and international unions in the United States.

### Prevalence of Trusteeship Provisions

Although all of the constitutions studied gave national officers the authority to suspend or revoke local union charters, a disciplinary measure frequently linked with trusteeship, only 67 constitutions, applying to 12 million members, contained explicit trusteeship provisions, i. e., granted the international president and/or the union's governing body the authority to assume direct control of a local union or other affiliate by means of a trusteeship (table 1).

Table 1. Provisions for suspension/revocation of local union charters and trusteeship in international union constitutions, 1959

(Members in thousands)

Provision	Total		Union affiliation			
			AFL-CIO		Unaffiliated	
	Number	Members	Number	Members	Number	Members
All unions studied -----	114	17,503	99	14,823	15	2,680
Unions providing for sus- pension revocation of local union charters -----	114	17,503	99	14,823	15	2,680
Also providing for trusteeship -----	67	12,063	59	9,763	8	2,300
No explicit provision for trusteeship -----	47	5,440	40	5,060	7	380

NOTE: Because of rounding, sums of individual items may not equal totals.

The remaining 47 constitutions (governing 5.4 million members) contained no specific trusteeship clauses. Under these constitutions, the possibility that the international may assume control over a local is not ruled out since (1) none of the constitutions prohibited it and (2) many granted international officers broad

<sup>4</sup> According to the Directory of National and International Labor Unions in the United States, BLS Bull. 1222 (1957), there were 125 national and international unions in the United States with 10,000 or more members. For 11 unions, with about 625,000 members altogether, current constitutions were not available. Three of these 11 were unions of government employees.

powers, particularly in suspension proceedings. Unions which do not have explicit trusteeship provisions in their constitutions do at times exercise this or a similar power. For example, the United Steelworkers of America, in 1959, reported several local unions under international supervision.<sup>5</sup> The Steelworkers' constitution gave the international officers the following powers with regard to the suspension and revocation of local union charters:

In the event the International President shall have reason to believe that any local union is failing to comply with any provision of the constitution, he may institute proceedings upon the alleged violations, with due notice of hearing before any duly designated member or members of the International Executive Board. Upon the basis of the hearing the International Executive Board is authorized to render a decision, dismissing the charges of alleged violations, suspending or revoking the charter of any such local union, or directing such other action as may be necessary to secure compliance with the constitution.

Similar clauses were found among many of the 47 constitutions without explicit trusteeship provisions.

In some of the 67 constitutions which provided for both suspension and formal trusteeship, control by the international union could be established only after a local's charter (or its officers) had first been suspended. More frequently, the matter of suspension was left to the discretion of the international union or the trustee. Often, however, suspension and trusteeship were set forth as two entirely separate proceedings, to be invoked under different circumstances and to achieve different remedies. In many constitutions, so the phraseology indicated, a trusteeship was in essence an emergency measure, designed to cope with conditions for which the usual disciplinary procedures were perhaps too cumbersome. A feature worthy of note was that several constitutions contained more than one trusteeship clause. Some constitutions granted this power to the president and to the international governing body (in many cases depending on the offense alleged) and set forth different procedures regarding hearings, termination, etc., while in other constitutions separate trusteeship procedures applied in cases involving financial malpractices as against other constitutional violations. For purposes of this analysis, the features of various provisions found in the same constitution were combined and are presented as a single trusteeship provision.<sup>6</sup>

### Reasons for Trusteeship

All of the 67 union constitutions with trusteeship provisions stipulated, in varying degrees of detail, the reasons for which such action could be taken. Many of the constitutions dealt with this issue rather briefly, granting the president or the union's governing body the right to take such action when, in their judgment, it was "necessary to protect the interest of the members," or "to protect the [union's] jurisdiction," when "a local union fails to perform the duties imposed upon it by this constitution," or simply, when "an emergency imminently affecting

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<sup>5</sup> Hearings before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, op. cit., p. 86. (See footnote 2, p. 1.)

<sup>6</sup> See appendix for examples of various types of trusteeship provisions.

the interests of the international union or any subordinate body exists." Frequently, however, union constitutions defined the reasons for establishing a trusteeship, listing, among other offenses, failure to comply with union directives, violation of union laws, dishonesty or incompetency in the affairs of local unions, membership indifference, and the threat of secession movements, as the following excerpts indicate:

Whenever in the opinion of the General President the affairs of a local union are improperly conducted, or the local union or its officers or representatives are violating the provisions of this constitution, or the officers or representatives thereof are neglectful, dishonest or incompetent, or the membership is indifferent to the management of the local union, and the rights and interests of the members of the local union or of the Brotherhood are likely to be placed in jeopardy unless immediate action is taken. . . . (Brotherhood of Painters, Decorators and Paperhangers of America)

\* \* \*

Whenever a local union or council or the officers or members thereof fail to establish and maintain, within their jurisdiction, wages and working conditions equivalent to those established and maintained within the jurisdiction of other local unions or councils in adjoining territories; fail to comply with orders or decisions or policies of this Association; fail to comply with the provisions of this constitution; conduct the affairs of such local union or council in such manner as to promote or condone internal strife which is detrimental to the best interest of this Association or any local union or council thereof; or disregard the instructions, decisions or orders properly issued by any officer or tribunal of this Association. . . . (Sheet Metal Workers' International Association)

\* \* \*

Where reliable and creditable information is brought to the knowledge of the International President indicating that a condition exists in an affiliated local union whereby the actions of the officers or members thereof endanger the property rights or interests of this Alliance, of any affiliated local union thereof, or of individual members thereof, and where, because of the imminence of irreparable injury thereto, the ordinary procedure prescribed by this constitution and by-laws would, in the opinion of the International President, prove too slow, cumbersome, and inadequate to completely protect the rights and interests so endangered. . . . (International Alliance of Theatrical Stage Employes and Moving Picture Machine Operators of the United States and Canada)

\* \* \*

If any local union or any of the officers or members thereof shall attempt to withdraw or secede or shall sponsor a movement to withdraw or secede . . . (United Papermakers and Paperworkers)

As pointed out earlier, under the provisions of a number of union constitutions a trusteeship cannot be imposed unless the local union's charter has first been suspended or the local's officers have been removed from office. In these instances, the grounds for suspension and removal were, in the main, similar to those cited above, but were usually set forth in greater detail, as the following excerpt from the constitution of the American Federation of State, County and Municipal Employees indicates:

The basis of charges . . . against officers or members of the International Union, or against officers or members of a subordinate body, or against a subordinate body itself, shall include but shall not be limited to any one or more of the following actions:

- (a) Violation of any provision of the constitution of the International Union or the constitution of a subordinate body or failure to perform duties or functions specified therein;
- (b) Engaging in any activity or course of conduct contrary or detrimental to the welfare or best interests of the International Union or of a subordinate body;
- (c) The commission of any unlawful, dishonest, dishonorable or discreditable act;
- (d) Engaging in dual unionism or in a secessionist movement which has for its purpose the fostering of a rival labor organization;
- (e) Wilfully slandering or libeling an officer or member of the organization;
- (f) Engaging in any acts or course of conduct which are inconsistent with the duties, obligations and fealty of the members of the trade union and which violate sound trade union principles or which constitute a breach of an existing collective bargaining agreement.

An officer or member or subordinate body found guilty of any of the foregoing, after the filing of charges and the holding of hearings and other procedures as prescribed in this constitution, may be disciplined by fine, suspension, or expulsion. . . .

In all cases where a subordinate body has been suspended . . . the International President shall have the power to assume charge of the affairs and business of such suspended subordinate body by the appointment of a trustee. . . .

#### Authority to Initiate and Impose Trusteeship

Under the provisions of 47 of the 67 constitutions with trusteeship provisions, the final authority to appoint a trustee over the affairs of a local union rested with the general executive board (or other governing agencies of the international union). The general executive board was the sole agency designated

in 34 constitutions, and in 13 unions it shared this power with the international president. The president was granted authority to act in 33 constitutions, in 20 of which he was the only agent so empowered (table 2).

Table 2. Agencies authorized to initiate and establish trusteeships as stipulated in international union constitutions, '1959

(Members in thousands)

Initiating agency	Total		Agency empowered to place local union in trusteeship					
			International president		General executive board <sup>1</sup>		International president or general executive board <sup>1</sup>	
	Unions	Members	Unions	Members	Unions	Members	Unions	Members
All unions with one or more trusteeship provisions	67	12,063	20	4,497	34	5,045	13	2,521
International president	24	5,256	13	3,939	11	1,317	-	-
General executive board <sup>1</sup>	16	2,773	-	-	16	2,773	-	-
International president or general executive board <sup>1</sup>	8	1,217	1	100	-	-	7	1,117
International president or member	6	1,402	1	200	-	-	5	1,202
General executive board or member <sup>1</sup>	4	595	-	-	3	392	1	203
International president or general executive board or member <sup>1</sup>	1	60	1	60	-	-	-	-
Member	2	451	-	-	2	451	-	-
International president or other agent not clearly defined	4	198	4	198	-	-	-	-
Agent not clearly defined	2	112	-	-	2	112	-	-

<sup>1</sup> Also includes other governing bodies of international unions.

NOTE: Because of rounding, sums of individual items may not equal totals.

Same Agency to Initiate and Impose.—Typically, the union agency authorized to appoint a trustee also had the exclusive jurisdiction to initiate such proceedings. In such cases, the entire power in this area was vested in the hands of a single agency, either the president or the executive board. In unions in which the president could act unilaterally, the constitution generally provided as follows:

Charters of districts, sub-districts and local unions may be revoked by the International President, who shall have authority to create a provisional government for the subordinate branch whose charter has been revoked. (United Mine Workers of America)

\* \* \*

When, in the judgment of the International President, the affairs of any district or subordinate lodge have become seriously disordered . . . the International President shall be empowered to appoint an International Trustee, or a Board of Governors, whichever in his opinion shall be best suited to the particular problem, to take charge and control of the affairs of such lodge. (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers)

Clauses which granted the union's general executive board the authority to discipline local affiliates were, in the main, similar to the ones cited on page 6:

The General Executive Board shall have power to place any local union . . . under direct international supervision . . . provided that such action shall be taken by the unanimous vote of the General Executive Board. . . . (International Association of Bridge, Structural and Ornamental Iron Workers)

A variation of the above provision was stipulated in the constitution of the Transport Workers Union of America. In that instance, one of the union's governing bodies, the International Administrative Committee, could appoint a trustee, provided it received the approval "in writing or by telegram of a majority of the individual members" of another body, the International Executive Council.<sup>7</sup>

A small number of constitutions (13) granted the power of trusteeship to both the president and the general executive board, each exercising this power independently of the other. In a few instances, however, the power of one or the other to act depended on the reasons for which such action was taken.

The constitution of the Metal Polishers, Buffers, Platers and Helpers International Union stated that "the International Executive Board, by majority vote, is hereby empowered to take charge of local unions, re-officer the same . . ." and, in addition, it listed among the duties of the president the authority to "appoint a trustee. . . ." One union, the United Textile Workers of America, authorized the general executive board to suspend a local union charter or to remove a local union officer, in which event the president could appoint a trustee. Under specified "emergency" conditions, however, the president could impose trusteeship without waiting for an action by the board.

Different Agencies Initiate and Impose.—In a number of constitutions, the power to take action against a local union (or against local union officers) was not concentrated in the hands of a single international agency. Among the unions in this category were those which required the president to obtain the consent and approval of the executive board before intervening in the affairs of a local affiliate. The following clause is illustrative:

[The President] shall, with the approval of the Executive Board, have the power to remove any or all local officers who are in violation. . . . He shall appoint a trusteeship for that local union. . . . (International Brotherhood of Pulp, Sulphite and Paper Mill Workers)

A few constitutions, however, granted the general executive board the authority to review and reverse a trusteeship action taken by the president on his own initiative. For example, the constitution of the Oil, Chemical and Atomic Workers International Union stated that the "President may in the pursuit of his duty remove [a local union] official from office and appoint a temporary administrator. . . . This action on the part of the President shall be subject to review, revision, or reversal by the Executive Board. . . ."

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<sup>7</sup> The International Administrative Committee is composed of the international president, the secretary-treasurer, the director of organization, the director of the Air Transport Division, the director of the Railroad Division, and "not more than 2 other international vice presidents designated by the International President." The International Executive Council consists of the international president, secretary-treasurer, director of organization, 12 vice presidents, and "not more than 6 members at large."

In 13 constitutions, union members were specifically given the right to invoke procedures leading to a trusteeship, either by submitting a petition or by filing charges before an international agency. Eleven of these constitutions gave members as well as the president and the general executive board this right, while in two constitutions only members were mentioned.<sup>8</sup> Without exception, however, the ultimate power to impose trusteeship was retained by a designated agency of the international union.

All but one of the constitutions which permitted union members to request international supervision stipulated the conditions under which such action could be taken. The one exception, the constitution of the Communications Workers of America, stated only the following:

The Executive Board may appoint a temporary administrator to temporarily conduct the affairs of a local after receiving a request from the officers or membership of a local for such action.

More typical, however, were requirements such as these:

. . . Any request by a local union for the President to appoint a trustee must be authorized by a vote of the executive board of the local union, or by a vote of the union membership as provided by the local union constitution and by-laws. (Office Employees International Union)

\* \* \*

The members of every subordinate union shall have the right at any time to present a petition to the International Board of Directors requesting the International Union to take charge of such subordinate union. . . . Such petition shall be signed by not less than 51 percent of the members in good standing in such subordinate union, and shall contain a statement under oath, made and signed by one or more of the signers of said petition, before a notary public, or other persons duly authorized to administer oaths, that all of the signatures to said petition are genuine. (International Printing Pressmen and Assistants' Union of North America)

The constitution of the International Longshoremen's and Warehousemen's Union differed from those cited above in that members were specified in two separate clauses as having the right to request a trusteeship. One clause permitted 20 percent of a local's members—or a special membership meeting—to request the president to appoint a trustee over a local in "bad standing," i. e., if the local was 3 months in arrears in its per capita dues payments. The other clause was found in the section of the constitution dealing with "Charges Against Locals, Local Officials and Members," and provided that 20 percent of the members of a local could petition the president "to investigate the affairs of any local . . ." with the results of the investigation to be submitted to the general executive board.

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<sup>8</sup> These provisions, however, would probably not preclude officers from taking such action, since officers are also members. A constitutional provision which lists members as well as the international president and/or the general executive board as initiating agents means that the international body is authorized to assume "original jurisdiction," i. e., it can act on its own and does not have to wait until all the steps at the local (or regional) level have been complied with.

The board, in turn, had the choice of either clearing the accused local or preferring written charges. In the latter case, the board was also authorized to "suspend from office any or all of the local officials and appoint temporary officials to conduct the business of the local pending trial of the local and/or its officials."

The possibility of establishing a trusteeship through the union's trial procedures activated by charges filed by a member (or members) was set forth in the constitution of the American Newspaper Guild in this manner:

Procedure

(a) Discipline shall be initiated by the filing of charges against the local by any 2 members in good standing of the local charged, or by any international officer.

[Subsequent paragraphs explain the trial procedures in detail.]

Verdict

The IEB [International Executive Board] may after hearing dismiss the charge or find the local guilty of the whole or any part of the charge.

Penalty

Upon a finding of guilty the IEB may take any of the following actions, separately or in combinations:

- (a) . . .
- (b) Appoint an administrator or administrators . . .
- (c) . . .
- (d) . . .

Among the unions which followed similar procedures were the International Association of Machinists, the International Longshoremen's Association, the Operative Plasterers' and Cement Masons' International Association of the U.S. and Canada, and the Amalgamated Clothing Workers of America. It should be noted that a trusteeship was one among several remedies set forth.

Several constitutions permitted international office supervision, but failed to designate a specific initiating agent. In these cases, however, it may be assumed that the right to invoke the union's disciplinary machinery rested with the membership—at any rate, no clause in these constitutions denied it this right. Typically, these constitutions simply stated that "all charges shall be in writing, signed by the accuser . . ." or referred to a "party preferring the charges," without giving further details. The constitution of the International Woodworkers of America provided for an administrator "upon request," but failed to define the requesting agent.

Provision for Hearings

A requirement for a hearing (or trial)<sup>9</sup> on alleged violations for which a trusteeship could be imposed was not the general rule in the union constitutions studied. Twenty-nine of the 67 constitutions contained no hearing provisions which

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<sup>9</sup> Although many constitutions used the term "hearing," the procedures involved in such a hearing had, in a number of cases, the characteristics of a trial. In this study, the two terms are used interchangeably.

could be construed as relating to trusteeship cases (table 3). Of the 38 constitutions which referred to automatic hearings, 16 applied to some but not to all situations under which a trusteeship could be imposed. A hearing to precede the appointment of a trustee was specified in 20 constitutions; however, 13 of these listed various provisions, often of an "emergency" nature, which permitted the international union to act immediately without having to wait for the outcome of a trial. In 28 constitutions a hearing (in all or some instances) was to be held after trusteeship was already in effect; 15 failed to specify a time limit during which it was to be held (table 4). Under such circumstances, the right of a local union or its officers to have the charges heard could, presumably, be postponed indefinitely without violating the letter of the constitution.<sup>10</sup>

Typical of the phraseology employed by three of the seven unions which required hearings in all cases before imposing a trusteeship is the excerpt from the constitution of the American Newspaper Guild cited earlier. The other four unions in this category stipulated that hearings were to be held when considering the suspension of a local affiliate, in which case a trusteeship was to follow. For instance:

The majority of the National Officers of this Union shall have the power to suspend the officers and governing body of any local. . . . Before such suspension shall become effective, the National President shall give to the local affected written notice of, and the reasons for, the intended suspension of its officers and governing body, and a hearing shall be held by the National Officers at which time the officers and members of the local shall be given opportunity to present testimony and evidence, with the aid, if desired by them, of a member in good standing of this Union as counsel. Upon suspension of the officers and governing body of any local a majority of the National Officers shall create a provisional government for said local. . . . (Industrial Union of Marine and Shipbuilding Workers of America)

\* \* \*

. . . the International Executive Board may, by  $\frac{2}{3}$  vote of the entire Executive Board, after a hearing, revoke the charter or suspend any officer . . . from office and take over supervision of the subordinate body. . . . (United Automobile, Aircraft & Agricultural Implement Workers of America)

Among the unions which permitted a hearing to be waived in an emergency was the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. A subsequent hearing, however, was to take place under the following procedures:

. . . and further provided that where, in the judgment of the General President that an emergency situation exists . . . the temporary trustee may be appointed prior to such hearing, but such hearing shall then commence within 30 days and decision made within 60 days after the appointment of such temporary trustee. . . . In the case of all hearings conducted pursuant

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<sup>10</sup> Hearings referred to in this part of the study are those which are to be held either before or shortly after establishing a trusteeship. Hearings in conjunction with appeal procedures are discussed in a subsequent section.

Table 3. Provisions for hearings before or immediately following trusteeship as specified in international union constitutions, 1959

(Members in thousands)		
Provisions for hearings	Unions	Members
All unions with one or more trusteeship provisions -----	67	12,063
Constitutions with automatic hearing provisions -----	38	7,251
Hearing must be held before trusteeship is established -----	7	1,618
Hearing must be held before trusteeship is established but such requirement may be waived in emergency, or at discretion of union officers, with hearing to follow -----	6	1,661
Hearing must be held after trusteeship is established -----	9	2,360
Hearing before trusteeship in some cases, no hearing requirement in other cases, depending on reason for trusteeship -----	3	420
Hearing after trusteeship in some cases, no hearing requirement in other cases, depending on reason for trusteeship -----	7	497
Hearing before or after trusteeship in some cases, no hearing requirement in other cases, depending on reason for trusteeship -----	4	632
Hearing only if trusteeship is to extend beyond 90 days -----	2	63
No hearing provisions specifically relating to trusteeship -----	29	4,812

NOTE: Because of rounding, sums of individual items may not equal totals.

Table 4. Time limits for a hearing after establishment of trusteeship as stipulated in international union constitutions, 1959

(Members in thousands)		
Time limit	Unions	Members
All unions with automatic hearing provisions --	38	7,251
All unions with provisions for automatic hearing after establishing trusteeship -----	28	5,213
Hearing after 10 days -----	4	247
Hearing after 20 days -----	2	377
Hearing after 25 days -----	1	257
Hearing after 30 days -----	2	1,385
Hearing after 60 days -----	1	300
Other time limits -----	13	266
No definite time limits -----	15	2,381

<sup>1</sup> In 2 unions, hearings must be held within 90 days after the serving of charges, and the serving of charges must be within 90 days after the establishment of a trusteeship. 1 union calls for a hearing "at or before the next meeting of the executive council" without indicating the interval between meetings.

NOTE: Because of rounding, sums of individual items may not equal totals.

to or after the establishment of a trusteeship, the General President shall designate a panel comprised of at least 1 international union vice-president and 1 disinterested member of the International Brotherhood of Teamsters from the area involved. Such representatives shall make their recommendations to the General President, orally or in writing within 10 days after the completion of the hearing, and the decision in the case shall be made by the General President himself, which decision shall be made within 10 days after such recommendations are received by him and such decisions shall be promptly transmitted to the local union or other subordinate body. . . .

Four of the nine constitutions which required a hearing in all cases after appointing a trustee stipulated time limits of 10, 20, 25, and 60 days, respectively, during which a hearing had to be held. The details covering the hearing were, in the main, set forth as follows:

Immediately upon the appointment of a trustee the International Secretary shall notify the officers of the local union that a hearing shall be held at which interested parties may be heard on the subject of retaining the trusteeship. Such hearing may be conducted by the International Executive Board, or a subcommittee thereof appointed by the International President, or a referee appointed by the International President. It shall take place as soon as practicable and as conditions permit but in no event later than 25 days after the appointment of the trustee. . . . If, upon such hearing, it is decided that the local union does not require a trusteeship, the local union and its officers shall revert to their former status and continue without trusteeship. (American Federation of Musicians)

In 14 unions, the holding of a hearing depended on the violation for which the trusteeship was imposed. Under these stipulations, a hearing had to take place before or after the trusteeship action, but the constitution waived this requirement for specified offenses, notably failure to transmit per capita dues, or other financial irregularities. For example, the constitution of the United Packinghouse Workers of America called for hearings on charges before disciplining a local union. However, hearings were expressly dispensed with for "violations related to finances," and were not mentioned for the appointment of an administrator over a local which failed to elect its officers "fairly and in accordance with the requirements of the International Constitution." Similarly, a requirement for a hearing after appointment of a trustee, in the constitution of the International Union of Doll and Toy Workers of the United States and Canada, did not apply to locals which failed to pay per capita taxes or assessments within 30 days after they were due. In such cases, it seems, a hearing is not considered necessary, since the constitutional violation is self-evident.

Among the constitutions included in this category were four which provided for a hearing either before or after imposing trusteeship, or permitted it to be dispensed with entirely, depending on the alleged violation. For instance, the international president of the American Federation of State, County and Municipal Employees was authorized to supervise the affairs of any local union which, following a hearing, had been suspended by a two-thirds vote of the general executive board. However, the constitution also provided that in "emergency situations where secession of a subordinate body is threatened, or where dissolution of a subordinate body is threatened, or where the dissipation or loss of the funds or assets of a subordinate body is threatened, the International President is empowered summarily to suspend. . . ." In such circumstances, a

hearing was to be held within 10 days after suspension. Finally, no hearing was necessary to supervise a local union which refused "to enforce a decision of the International President or the International Executive Board. . . ."

The constitutions of two unions, the American Federation of Grain Millers and the Aluminum Workers International Union, were unique in that they permitted the president to establish a trusteeship without a hearing, provided it terminated within 90 days. To keep a local union under supervision for a longer period, written charges had to be filed, and a trial had to commence within 90 days thereafter. Subsequently, the president was limited to 15 days during which to hand down his decision.

#### Powers of Trustee and Status of Local Union During Trusteeship

With a few exceptions, the constitutions analyzed did not define the rights and functions which a local union under trusteeship could continue to exercise. A few constitutions contained a simple statement suspending the local union's right to conduct its own affairs. On the other hand, virtually all constitutions contained provisions which, in varying degree of detail, stated the authority and duties of the trustee, and many also referred to the status of officers of trustee locals (table 5). Perhaps the prevalence of these clauses explains the scarcity of those dealing with the rights remaining with trustee locals—that is, a large grant of power to the trustee would leave little self-government to the local involved. Thus, in general, the degree of local autonomy remaining is defined by the powers assumed by the trustee.

Table 5. Status of local union officers under trusteeship provisions stipulated in international union constitutions, 1959

(Members in thousands)		
Status of local union officers	Unions	Members
All unions with one or more trusteeship provisions	67	12,063
Automatic removal	18	3,557
Automatic removal depends on reason for trusteeship	4	677
Removal at discretion of international president of general executive board <sup>1</sup>	19	3,768
Removal at discretion of trustee	8	683
No reference to status during period of trusteeship	18	3,378

<sup>1</sup> Also includes other governing bodies of international unions.

NOTE: Because of rounding, sums of individual items may not equal totals.

An explicit statement defining the status of a local union under trusteeship was continued in the constitution of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, which dealt with this issue as follows:

During the continuance of such emergency, all of the rights, powers and privileges granted to any local union, its officers or members, to conduct its affairs, granted or guaranteed to

said local union by its charter, or by this Constitution or any By-Laws enacted hereunder, shall be suspended and any other provisions of the Constitution or the By-Laws enacted hereunder and any provision of the charter, Constitution or By-Laws of any such local union inconsistent with the powers herein granted to the Executive Board of this Alliance, the International President, Vice-President or International Representative appointed to conduct the affairs of such local union are hereby declared to be entirely inoperative and of no force and effect during the continuance of such emergency. . . .

The sole authority for the conduct of the affairs of such local union during such emergencies shall be the orders, rules, mandates, and decisions of the International President, the Executive Board and the Vice-President or International Representative appointed to conduct the affairs of said local union. . . .

In addition, the constitution of this union contained a statement setting forth the powers which the trustee was authorized to exercise.

. . . [The trustee] shall have the power during the continuance of said emergency to take over all books, records, monies, credits, and property of such union of every nature whatsoever and to administer the same according to his best judgment for the benefit of such local and this International; to collect dues, fines and other revenue to which said local may be entitled and to incur and pay all just bills and obligations of said local union out of its funds in his hands; to adjust disputes between employers and members of such local union and enter into working contracts for its members, which said contracts shall be valid, legal and binding upon said union and the members thereof after the expiration of said emergency until the expiration thereof; and in general, to conduct the affairs of said union in the same manner as it might have conducted its own affairs in the absence of such emergency. The International President, or his duly accredited representative, is hereby expressly authorized and empowered to bring any action at law or equity in any court of competent jurisdiction and in his own name to recover any monies due said local union and any monies or property of said local union wrongfully withheld from him by any officer or other person or the value of any property so wrongfully withheld, together with damages, if any, for the wrongful detention thereof.

Upon the removal by trial, or the resignation of any officer of any local union, the International President, or his duly accredited representative in charge of the affairs of said local union, shall have the power and authority to cause an election to be held by the qualified members of such local union, to choose a successor or successors to such officer or officers, upon the expiration of such emergency as may be determined by the Executive Board as hereinafter provided, and said International President, or his representative, shall have the power and authority to prescribe and enforce such rules and regulations for the conduct of such election as shall insure an honest and fair election by the membership of such local union.

Although most of the provisions on the powers of the trustee were not as detailed as the one previously cited, they did, as a rule, make specific mention of his right to take possession of all funds, records, and property, and permitted him to "take charge" or "take over and administer the affairs" of a local union. Requirements for periodic reports to the international union were found in 13 constitutions, but only 2 required reports to the local's members. Several specified that the trustee had to be bonded. The trustee's powers were delineated in this way, in one constitution:

[The trustee] shall take immediate charge of the affairs of the local union and shall take possession of all the funds, books, papers and other property of the local union and shall tender a receipt for same. He shall institute any necessary action to recover money or other properties of the local union. He shall hold the funds and property of the local union in trust for the exclusive benefit of such local union and shall expend same only to the extent necessary for the proper and efficient conduct of the affairs of such local union during the period of the trusteeship. The trustee shall give bond to safeguard the local union's funds and assets and for the faithful discharge of his duties he shall be paid from the funds of the Federation a fee to be fixed by the International Executive Board.

Upon the appointment of a trustee, the functions of all the elected officials of the local union shall terminate and shall pass to the trustee. The trustee may reappoint former officials and employees or appoint new temporary officials and employees and he shall take such other action as he deems necessary for the preservation of the rights and interests of the members of the local union and of the Federation. He shall submit periodic and complete reports of his actions and of the affairs of the local union to the International Executive Board and to the membership of the local union. (American Federation of Musicians)

In 22 unions, the appointment of the trustee meant the automatic removal of the local union's incumbent officers. If malpractices on the part of the officers were the cause of the international's action, it is reasonable to assume that these officers would be removed (suspended or expelled) before the trustee was appointed. In 27 unions, however, the removal of local officers was at the discretion of either the international officers or the trustee. Although the constitutions were not always clear on this point, it may be assumed that in some if not all cases, the incumbent officers would be permitted to function under the trustee's supervision and would remain in office as long as they complied with the orders of the international union or the trustee. An arrangement of this nature was described in the constitution of the International Hod Carriers', Building and Common Laborers' Union of America, which provided for the appointment of a member in good standing to preside over the meetings and supervise the affairs of a local union believed to be guilty of various violations. If, however, an officer of the local union "refuses, fails or neglects to comply with the order of the General President and obstructs the representative appointed to investigate or to supervise the affairs of the local unions . . . then the General President may . . . suspend the officers" and the local union is subsequently placed under stricter supervision. Similarly, the constitution of The Wood, Wire and Metal Lathers' International Union stipulated as follows:

If any of the officers of the local union fail or refuse to recognize the trustee designated to act for and on behalf of the General President, or fail or refuse to cooperate with the trustee

during the term of the trusteeship, the trustee, with the consent of the General President, shall have the right to temporarily remove such officer or officers of the local union for the period of the trusteeship and, with the consent of the General President, to appoint succeeding officer or officers who shall serve as temporary officers during the period of trusteeship.

In a number of other constitutions, the status of incumbent officers was not clearly set forth except for a statement that the officers may be subject to removal—as in the following example:

Immediately upon appointment of such special trustee, the functions of all officers shall terminate and such functions shall pass to the special trustee. The special trustee may, thereupon, suspend an officer or officers and appoint temporary officers in their place, who shall act under him during the term of such trusteeship . . . (Brotherhood of Painters, Decorators and Paperhangers of America)

In this instance, the termination of local officers' functions and their possible suspension are apparently two separate acts. If a local officer is not suspended, however, it is not clear what, if any, functions he is required or permitted to carry out.

Eighteen constitutions made no specific reference to the status of local union officers. Many of these treated the entire trusteeship matter in a sentence or two, simply giving an international agency the authority to take such action against a local union. One union in this category described the authority of the trustee in the following terms:

[The President] may appoint a receiver . . . who shall take full charge of and manage the affairs and conduct of such subordinate unions with all the power of a receiver in a court at law or in equity sitting . . . (Bricklayers, Masons and Plasterers International Union of America)

Only 1 of the 67 constitutions analyzed, that of the United Packinghouse Workers of America, provided specifically that a local union under trusteeship had the right to send delegates to a union convention and prohibit the appointment of delegates by the trustee.

A local union which is functioning under an administrator shall be entitled to send delegates to the International or District Conventions. Delegates to the International Convention shall be elected in accordance with the procedure set forth . . . Under no circumstances shall an administrator have the power to appoint delegates to the District or International Convention.

Virtually all international unions deny convention representation to a local union "not in good standing," particularly if it has failed to pay its per capita tax or if its charter has been suspended or revoked. Where trustee locals are in good standing and are entitled to send delegates to the convention, the constitutions, with the exception noted above, failed to indicate whether delegates were to be elected by the members or appointed by the trustee.

### Duration of Trusteeships

Although the formal language of many trusteeship clauses indicated that such action was considered as an emergency device, few constitutions were specific as to when or under what conditions the emergency was to terminate and self-government was to be restored. Only 12 of the 67 constitutions with trusteeship provisions established a maximum time limit; in 7 of these, however, it applied only to some of the grounds for which a local union could lose its autonomy (table 6). Ten constitutions referred to time limits which could be extended indefinitely by the international officers. Among the remaining constitutions, 8 made termination subject to compliance with specified conditions; 18 left the matter to the discretion of the same body that originally imposed the trusteeship; and in 19, the absence of duration provisions presumably placed the removal of the trustee under the discretion of the initiating agency. All of these 19 constitutions, however, contained appeals procedures.

A maximum duration of 1 year was specified in the constitutions of the International Longshoremen's and Warehousemen's Union and the United Stone and Allied Products Workers of America. The International Jewelry Workers' Union and the Brotherhood of Painters, Decorators and Paperhangers of America established a 2-year limit, using virtually identical language, viz :

Special trusteeship shall operate for a period of 1 year, unless terminated sooner, but may be continued by order of the General President, with the approval of the General Executive Board, for another year, whereupon it shall terminate and cannot be renewed.

A slightly different termination provision was found in the constitution of the Amalgamated Clothing Workers of America, which called for a trusteeship to remain in effect "for not more than 6 months after the rendition of [a] decision," but did not specify a time limit during which the board had to decide the case. However, the general executive board was required to "render its decision upon the charges with reasonable dispatch."

Among the seven constitutions in which time limits applied to some but not to all possible trusteeships were the United Automobile, Aircraft & Agricultural Implement Workers of America, the United Plant Guard Workers of America, and the National Brotherhood of Packinghouse Workers. All three provided that where local union officers had been suspended, new officers were to be elected within 60 days, "whereupon the subordinate body shall be returned its autonomy. . . ." A provision for termination within 6 months after a general executive board decision was set forth in the constitutions of the International Brotherhood of Longshoremen and the International Longshoremen's Association, and a trial was to be held within 30 days in the International Union of Doll and Toy Workers of the United States and Canada. Finally, in the International Union of Mine, Mill and Smelter Workers a trusteeship was scheduled to expire after 180 days.

As previously mentioned, the constitutions of 10 other unions contained various time limits which could be extended indefinitely by the international union.

The trusteeship shall not extend beyond 1 year unless, after further formal hearing, the International Executive Board orders a further extension. The International Executive Board shall terminate the trusteeship as soon as, in its judgment, local conditions warrant such termination. (American Federation of Musicians)

\* \* \*

Table 6. Provisions governing duration of trusteeship as stipulated in international union constitutions, 1959

(Members in thousands)

Termination provisions	Total		Trusteeship established by—					
			International president		General executive board <sup>1</sup>		International president or general executive board <sup>1</sup>	
	Unions	Members	Unions	Members	Unions	Members	Unions	Members
All unions with one or more trusteeship provisions —	67	12,063	20	4,497	34	5,045	13	2,521
Automatic termination of trusteeship after specified period —	5	717	-	-	4	647	1	70
1 year —	2	83	-	-	1	13	1	70
2 years —	2	249	-	-	2	249	-	-
Other period —	<sup>2</sup> 1	385	-	-	1	385	-	-
Termination date specified, but may be extended indefinitely by —	10	3,564	4	1,872	5	1,017	1	675
International president —	1	24	1	24	-	-	-	-
General executive board <sup>1</sup> —	9	3,540	3	1,848	5	1,017	1	675
Termination provisions relate to one or more but not to all types of trusteeships which may be established under union's constitution —	<sup>3</sup> 7	1,542	-	-	3	1,343	4	199
Termination made contingent on compliance with certain conditions —	<sup>4</sup> 8	916	2	170	5	666	1	80
Termination contingent on action by —	18	2,866	9	1,139	4	320	5	1,407
International president —	9	1,139	9	1,139	-	-	-	-
General executive board <sup>1</sup> —	7	1,554	-	-	3	247	4	1,307
International president or general executive board <sup>1</sup> —	2	173	-	-	1	73	1	100
No provision relating to duration of trusteeship —	19	2,459	5	1,316	13	1,053	1	90

<sup>1</sup> Also includes other governing bodies of international unions.<sup>2</sup> Termination within 6 months after general executive board rendered decision on charges against local union officers.<sup>3</sup> 3 constitutions provided for special elections of officers and restoration of local autonomy within 60 days after suspension of local union officers; 2 constitutions provided for restoration of local autonomy within 6 months after general executive board decides against removed officers; 1 provided that the term of trusteeship was not to exceed 180 days, and another, that it was not to be in effect for more than 30 days. In addition, all constitutions contained other trusteeship provisions which were either vague or silent on the matter of termination.<sup>4</sup> Constitutions provided for trusteeship to terminate as soon as causes leading to its establishment had been removed.

NOTE: Because of rounding, sums of individual items may not equal totals.

No temporary trusteeship shall continue more than 2 years . . . unless the General Executive Board, upon a showing satisfactory to it and set forth in a written decision, determines that such trusteeship be continued under such terms and conditions and for such further period it believes advisable. (International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America)

In the eight unions where termination of trusteeship depended upon compliance, decision to lift control apparently hinged on the local union's fitness to assume self-government. The following excerpts suggest this.

. . . until all such laws, rules and usages of this international union are complied with by such subordinate union or officers thereof. (Bricklayers, Masons and Plasterers' International Union of America)

\* \* \*

. . . until the local union is prepared to perform the duties imposed upon it and to exercise its powers, consistent with this constitution. (United Rubber, Cork, Linoleum and Plastic Workers of America)

\* \* \*

. . . full compliance by the local union, its officers, and members with the recommendations of the General President settles the entire matter and thus results in the removal of the trustee. (The Wood, Wire and Metal Lathers' International Union)

\* \* \*

. . . until such time as democratic processes have been restored to the membership of such locals. (International Brotherhood of Pulp, Sulphite and Paper Mill Workers)

The distinction between the 8 constitutions which made termination subject to compliance with specified conditions and the 18 in which termination was entirely up to the president or the general executive board is, to be sure, a rather fine one. In both instances, the final decision would have to be made by the same international officers, although in the 8 constitutions there is at least a reference to standards on which an appeal—or a court test—could be based. The 18 constitutions which granted virtually unlimited discretion in this area to the international officers generally phrased this as follows:

[The President] shall personally, or by deputy, administer the local's affairs until he is satisfied that peace and harmony prevail. (Amalgamated Meat Cutters and Butcher Workmen of North America)

\* \* \*

. . . the Executive Council . . . may, for a period determined by it, take possession of and administer the affairs . . . of any local union . . . (Textile Workers Union of America)

\* \* \*

. . . a trustee [shall] conduct the necessary affairs of such local union until the further order of the International Executive Board. Whenever it appears desirable to the International Executive Board that local autonomy be restored to such local union, the trustee . . . shall conduct the necessary election for new officers. (United Papermakers and Paperworkers)

### Appeal Provisions

The possibility of appeal of a trusteeship action was open to virtually all trusted local unions (table 7). As is customary in union disciplinary proceedings, the final appeal body is the union convention, and it was so designated in 55 constitutions. Generally, where the international president was authorized to establish a trusteeship, the appeal first went to the general executive board and from there to the convention; where the general executive board exercised this power, the appeal went directly to the convention. Two unions, the Upholsterers' International Union of North America and the United Automobile, Aircraft & Agricultural Implement Workers of America, permitted an appeal to either the convention or to an outside agency (the so-called Public Review Board); in four unions, the appeal procedure stopped at the general executive board; and in two unions the matter could be decided by either the convention or a membership referendum. Six other constitutions contained limited appeal clauses which, it appeared, could not be invoked in trusteeship cases.

Table 7. Appeal provisions in trusteeship cases as stipulated in international union constitutions, 1959

Appeal provisions	Total		Appeal bodies							
			General executive board <sup>1</sup> and regular conventions		Regular convention only		Regular convention or public review board		Other <sup>2</sup>	
	Unions	Members	Unions	Members	Unions	Members	Unions	Members	Unions	Members
All unions with one or more trusteeship provisions —	67	12,063	23	4,650	30	3,189	2	1,376	6	1,821
Appeal clauses relating specifically to trusteeship cases —	35	6,009	20	3,834	11	1,469	-	-	4	706
Continuation of trusteeship —	25	4,486	13	2,869	8	911	-	-	4	706
Suspension of local union charter and/or local union officers —	10	1,523	7	965	3	558	-	-	-	-
General appeal clause only, which may be invoked in trusteeship cases —	26	5,027	3	816	19	1,720	2	1,376	2	1,115
Appeal clauses not operative in trusteeship cases —	6	1,027	-	-	-	-	-	-	-	-

<sup>1</sup> Also includes other governing bodies of international unions.

<sup>2</sup> 2 constitutions provided for appeals to the international president and to the general executive board; 2 to the general executive board only; and 2 provided for an appeal either to the general executive board and the convention or to the membership by means of a referendum.

NOTE: Because of rounding, sums of individual items may not equal totals.

In 35 constitutions, the trusteeship provisions also set forth the appeal procedures which applied specifically to such cases. In 26 others, however, no specific appeals were included; rather, the appeal procedures in these unions were of a general nature, available to all aggrieved members, officers, or subordinate bodies without regard to the type of discipline involved.

The scope of the provisions cited below as examples seems to be broad enough to make a trusteeship subject to appeal, although it was not specifically cited.

Any member or local union affected by a decision of the General Executive Board shall have the right to appeal to the next succeeding Convention of the International Union. (United Rubber, Cork, Linoleum, and Plastic Workers of America)

\* \* \*

In case of appeal by a subordinate union . . . against a decision or action of the Executive Council, the decision or action of the Executive Council shall be complied with unless and until such decision or action shall have been reversed by the convention . . . (International Typographical Union)

\* \* \*

Unless otherwise provided in this Constitution, all appeals from decisions made by the Executive Council shall be referred to the Grievances and Appeals committee for consideration and report and the decision of the General Convention shall be recognized and accepted as final . . . (Sheet Metal Workers' International Association)

Where the trusteeship followed the suspension of either a local union or any of its officers, it was this issue which became the subject of appeal as indicated by the excerpts from some of the constitutions. In such proceedings (set forth in 10 constitutions), a decision by an appeal body to lift the suspension would also terminate the trusteeship.

The charter of any subordinate organizations may be suspended or revoked, for cause, by the President or Secretary-Treasurer who are hereby granted the power to create a provisional government for the subordinate organization during the period of revocation. The order of revocation shall be subject to review by the Executive Council upon appeal by any officers deposed or any members affected. . . . The decision of the Executive Council in respect to the matter herein mentioned may be appealed to the next regular Convention. (United Brick and Clay Workers of America)

\* \* \*

Upon suspension of the officers and governing body of any local, a majority of the national officers shall create a provisional government for said local . . .

The suspension of a local's officers and governing body . . . shall be subject to review by the General Executive Board upon appeal by any officer deposed or any member affected thereby . . .

If the General Executive Board shall after review of an order suspending autonomy of a local, sustain the order, any officer or member of the local affected may appeal to the next Convention. The decision of the Convention shall be final and binding. (Industrial Union of Marine and Shipbuilding Workers of America)

More frequently, however, the appeal was directly on whether or not to continue the trusteeship.

. . . Such representative, as soon as practicable after conducting such hearing, shall make recommendations with respect to the continuing of the trusteeship to the International President, either orally or in writing, but the decision in the case shall be made by the International President himself. Appeals from any decision of the International President may be taken to the General Executive Board and thence to the Convention. . . . (Retail Clerks International Association)

\* \* \*

After a local union has been in receivership for a period of one year or at the end of any yearly period of receivership thereafter, any member may petition the International President-Secretary-Treasurer for the discontinuance of the receivership, and upon receipt of such petition the International President-Secretary-Treasurer shall conduct a hearing to determine whether the receivership shall continue or be discontinued.

If the International President-Secretary-Treasurer decides that a local union shall . . . continue in receivership, any member or officer of such local union feeling himself aggrieved by such decision shall have the right of appeal to the International Executive Board . . . (Metal Polishers, Buffers, Platers and Helpers International Union)

In one of the two unions in which the membership could participate in the appeal process, the precise effect of this procedure was not clearly stated. The pertinent clause read as follows:

Any such request to modify, continue, amend, withdraw or invoke International Supervision when signed by not less than 25 percent of the members in good standing of a local union shall cause a referendum on the subject to be submitted to the membership by the General President, who shall be guided by the results thereof in his decision on the question involved therein. (International Union of Operating Engineers)

In the other union using this arrangement, the International Association of Machinists, the power of the membership to function as an optional appeal body is more clearly defined. Since this constitution sets forth the convention appeal procedure in considerable detail, it is well worth citing in full:

An appeal may be made from a decision of the Executive Council by any party to the proceedings before the Executive Council to the Grand Lodge convention, or to the membership at large by submission thereof to the referendum as provided in Article XXIII.

Such appeal shall be made in writing to the General Secretary-Treasurer within 90 days from the date of the Executive Council's decision and shall set forth in specific detail the grounds therefor. The appeal may include a written argument in support of such grounds. The General Secretary-Treasurer shall notify the Executive Council and the opposing party of such appeal and furnish them with a copy thereof. Such party may, within 15 days file with the General Secretary-Treasurer a written argument in opposition to the appeal. The appeal shall be referred to the Appeals and Grievance Committee of the convention, and the General Secretary-Treasurer shall transmit to such committee the record of the proceedings before the lower tribunals of the I. A. M. as well as the arguments of the appellant and of the opposition party. The Appeals and Grievance Committee shall, upon timely request, hear both parties to the appeal in person. However, no party to the appeal shall have a right to appear in person before the convention. The appeals and Grievance Committee shall make a written recommendation to the convention based upon the record before it, which shall contain its findings, conclusions, and recommendations as to penalty to be imposed, if any. The convention may amend or reject in whole or in part the findings and recommendations of the Appeals and Grievance Committee and find the accused either "guilty" or "not guilty." The convention may also accept or reject in whole or in part any recommendation of the Appeals and Grievance Committee with respect to a penalty to be imposed, and may itself provide a substitute penalty by a majority of delegates voting on the question. Such action of the convention shall be recognized and accepted as final and binding on all parties.

Before any appeal can be taken from an Executive Council decision, the decision and all orders of the Executive Council in relation thereto must be complied with by all parties concerned therein; provided, however, that in the event the Executive Council concludes that compliance pending appeal would constitute a substantial bar to the exercise of the right thereof, compliance therewith may be waived or modified by the Executive Council with respect thereto. In no case shall any local lodge, district lodge, officer, representative, or member thereof, appeal to the civil courts for redress until after having exhausted all rights of appeal under this constitution.

To invoke the referendum machinery referred to in this clause, a member must first receive endorsements from at least 10 percent of all local unions in good standing, "not more than 10 of which are located in any one state. . . ."

As the above excerpt also indicates, union members are often required to exhaust all internal appeals before turning to the courts. In some unions, a member violating this requirement is subject to disciplinary action, including automatic expulsion.

The responsibilities of the trustee, upon the termination of his duties and the restoration of self-government, were discussed in only a few constitutions. Typically, this matter was dealt with in a short clause requiring the trustee to

return all books, papers and other property to the local union, to hold an election of officers, or to do both. The constitution of the Hotel and Restaurant Employees and Bartenders International Union stated these responsibilities as follows:

When a trusteeship is to be terminated, the trustee shall call meetings for the purpose of receiving nominations for offices and conducting elections. He shall install such officers on the day the trusteeship is terminated. All properties under the trusteeship shall be turned over to the proper local officers, who shall receipt for the same. A final audit of the trusteeship shall be made and approved by the General Secretary-Treasurer. As soon as it can be conveniently done new by-laws shall be submitted to the General President for approval.

Combinations of Due-Process Provisions.—The 3 principal due-process safeguards available to the local union in trusteeship situations—hearing, appeal, and automatic termination—appeared among the 67 constitutions in various combinations. Under a majority of constitutions, the local union was entitled to either a hearing and an appeal or to an appeal only (table 8). Of the 27 constitutions which provided for both hearing and appeal, only 5 required that such a hearing be held before establishing the trusteeship. All 3 safeguards could be utilized by local affiliates in 10 international unions; in 8 of these, however, the hearing was to take place after the trustee had already been appointed. Moreover, in several of these unions, the automatic termination date applied to some, but not all, of the possible trusteeships authorized. None of these procedural rights were found in the constitutions of the 4 unions with a total membership of 750,000.

Table 8. Prevalence of selected due-process provisions in trusteeship clauses stipulated in international union constitutions, 1959<sup>1</sup>

(Members in thousands)		
Provision	Unions	Members
All unions with one or more trusteeship provisions	67	12,063
Hearing, automatic termination, and appeal	10	2,236
Automatic termination and appeal	1	13
Automatic termination only	1	10
Hearing and appeal	27	4,756
Hearing only	1	259
Appeal only	23	4,031
None of these provisions	4	758

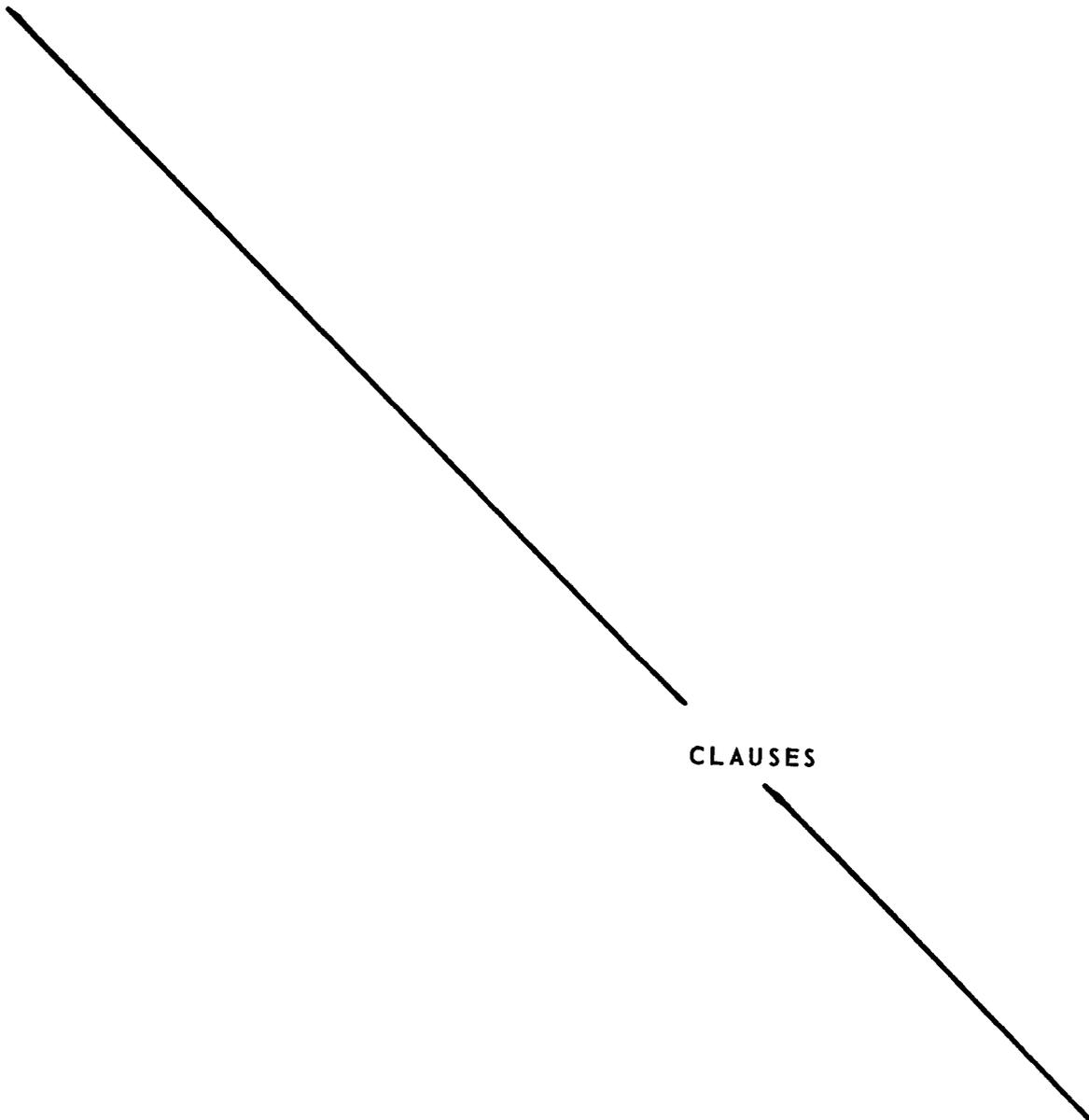
<sup>1</sup> Includes constitutions in which at least one of the trusteeship provisions required a hearing before or after such disciplinary action was taken, and/or included an automatic termination date, and/or a specific or general appeal clause.

NOTE: Because of rounding, sums of individual items may not equal totals.

## Appendix A

### Trusteeship Provisions From Selected International Union Constitutions

To illustrate the different types of trusteeship clauses contained in union constitutions, all pertinent provisions of selected constitutions are reproduced in full on the following pages. These should not be considered as model or typical provisions.



CLAUSES

United Papermakers and  
Paperworkers

ARTICLE XII

Local Unions

Section 3.

No local union may withdraw or secede from the International Union. If any local union or any of the officers or members thereof, shall attempt to withdraw or secede or shall sponsor a movement to withdraw or secede, the International Executive Board, or between its meetings, the International President, may forthwith and without any hearing, suspend the officers of such local union and the autonomy thereof and appoint a temporary trustee to take immediate possession of all property of such local union and to manage and conserve the same and conduct the necessary affairs of such local union. After a hearing, the International Executive Board, or person or persons authorized by it, may remove the officers of such local union and may appoint a trustee to take possession of all of the property of such local union and to manage and conserve the same and to conduct the necessary affairs of such local union until the further order of the International Executive Board. Whenever it appears desirable to the International Executive Board that local autonomy be restored to such local union, the trustee, or a person specially appointed, shall conduct the necessary election for new officers. All property of any local union attempting to withdraw or secede from the International Union, whether taken into possession of a trustee or not, shall become a Trust Fund of the International Union, to be used first for the benefit of the local union and second for the benefit of the International Union and its members.

International Brotherhood of Teamsters,  
Chauffeurs, Warehousemen and Helpers  
of America (Ind.)

## ARTICLE VI

### Power of General President To Appoint Trustees and Duties and Obligations of Local Unions Under Trusteeship

#### Section 5.

- (a). If the General President has or receives information which leads him to believe that any of the officers of a Local Union or other subordinate body are dishonest or incompetent, or that such organizations are not being conducted in accordance with the Constitution and laws of the International Union or for the benefit of the membership, or are being conducted in such a manner as to jeopardize the interests of the International Union, he may appoint a temporary Trustee to take charge and control of the affairs of such Local Union or other subordinate body; provided, however, that before the appointment of such temporary Trustee, The General President shall set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed, and further provided that where, in the judgment of the General President that an emergency situation exists within the Local Union or other subordinate body, the temporary Trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days and decision made within sixty (60) days after the appointment of such temporary Trustee; and further provided that in all cases the Local Union or other subordinate body shall be advised of the reasons for the appointment. Adequate notice, at least ten (10) days prior to the date of the hearing, shall be given to the Local Union or other subordinate body involved. In the case of all hearings conducted pursuant to or after the establishment of a Trusteeship, the General President shall designate a panel comprised of at least one (1) International Union Vice-President and one (1) disinterested member of the International Brotherhood of Teamsters from the area involved. Such representatives shall make their recommendations to the General President, orally or in writing within ten (10) days after the completion of the hearing, and the decision in the case shall be made by the General President himself, which decision shall be made within ten (10) days after such recommendations are received by him and such decisions shall be promptly transmitted to the Local Union or other subordinate body. Appeals, if any, from determinations following such hearings shall be taken directly to the General Executive Board. Appeals, if any, from decisions of the General Executive Board shall be taken to the Convention by the Local Union or subordinate body affected. Procedures on appeals under this Section, insofar as is consistent with this Section, shall be governed by the provisions of Article XVIII. The International Union shall not be responsible for any actions or activities of a Local Union or other subordinate body under Trusteeship unless such actions or activities have been directed or authorized by the Trustee.
- (b). The Trustee shall be authorized and empowered to take full charge of the affairs of the Local Union or other subordinate body, to remove any or all officers and shall within sixty (60) days appoint temporary officers

International Brotherhood of Teamsters,  
Chauffeurs, Warehousemen and Helpers  
of America (Ind.)

Section 5.—Continued

during his Trusteeship, and to take such other action as in his judgment is necessary for the preservation of the Local Union or other subordinate body and their interests. He shall report from time to time on the affairs and transactions of the Local Union or other subordinate body to the General President. His acts shall be subject to the supervision of the General President. The General President may remove Trustees at any time and may appoint successor Trustees. The terms of office of officers so removed shall terminate as of the date of removal, unless otherwise absolved.

- (c). The removed officers shall turn over all moneys, books and properties of the Local Union or other subordinate body to the Trustee, who must receipt for the same.
- (d). Temporary officers and trustees must be members in good standing of Local Unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.
- (e). The Trustee shall take possession of all the funds, books, papers and other property of the Local Union or other subordinate body and tender a receipt for same. He shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worthy claims, as his judgment dictates, unless otherwise provided for in this Constitution. In the event the charter of the Local Union or other subordinate body is suspended or revoked, all its funds, books, papers and other properties shall be forwarded to the General Secretary-Treasurer, who shall hold it for the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be transferred to the general funds.
- (f). In all cases of Trusteeships, the Trustee shall make a report to the General President at intervals of no more than every six (6) months, which report shall contain his recommendations with respect to whether the Trusteeship shall be continued or terminated.

The first (1st) such report shall be made within six (6) months after the date of the decision following the hearing on the appointment of a Trustee.

Additionally, the Local Union, or other subordinate body in regular or special membership meeting by a majority vote, may petition the General President for the restoration of self-government provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of the decision following the first hearing on the appointment of the Trustee.

International Brotherhood of Teamsters,  
Chauffeurs, Warehousemen and Helpers  
of America (Ind.)

Section 5.—Continued

When a Local Union or other subordinate body petitions for restoration of self-government as herein provided, it shall be accorded a hearing which shall be commenced within thirty (30) days and decision made within sixty (60) days after the receipt of the petition and which shall be held in the same manner as provided in Section 5 (a) of this Article relative to hearing on initial appointment of Trustees.

No temporary Trusteeship shall continue more than two (2) years after the date of the decision following the first (1st) hearing on the appointment of a Trustee, unless the General Executive Board, upon a showing satisfactory to it and set forth in a written decision, determines that such Trusteeship be continued under such terms and conditions and for such further period it believes advisable. When the Trustee recommends self-government be restored, or when the Local Union or other subordinate body petitions for such restoration, and such restoration is approved and ordered by the General President, or General Executive Board or when the General President or General Executive Board directs that self-government be restored, the Trustee shall direct an election at such time as he may designate, any other provision of this Constitution or Local Union rules or by-laws to the contrary notwithstanding and following such election and installation, the Trusteeship shall terminate and the Trustee shall return all remaining funds, property, books and papers to the appropriate officers of the Local Union or other subordinate body.

United Mine Workers  
of America (Ind.)

### ARTICLE III

#### Jurisdiction

##### Section 2.

All Districts, Sub-Districts and Local Unions must be chartered by, and shall be under the jurisdiction of and subject to the laws of the International Union and rulings of the International Executive Board. Charters of Districts, Sub-Districts and Local Unions may be revoked by the International President, who shall have authority to create a provisional government for the subordinate branch whose charter has been revoked. This action of the International President shall be subject to review by the International Executive Board upon appeal by any officers deposed or any members affected thereby. Until such review is had and unless said order of revocation is set aside, all members, officers and branches within the territory affected by the order of revocation shall respect and conform to said order. An appeal may be had from the decision of the Executive Board upon such order of revocation, to the next International Convention.

American Federation of  
Grain Millers

## ARTICLE IV

### Duties of Officers

#### President

##### Section 6.

EMERGENCY ACTION: The President shall have the right to declare emergencies when in his opinion Emergency Action is necessary to protect the rights and interests of the American Federation of Grain Millers, or any Local Union or other subordinate body or officers or members thereof. Under such emergency declaration the President may suspend any officer of a Local Union or subordinate body personally, or by his representative take over all or part of the Administration of any Local Union or other subordinate body or the assets and property thereof, designate temporary officials of the Local Union or other subordinate body to serve during the period of trusteeship and perform any and all other acts necessary for the purpose of preserving the status quo and protecting the interests of the organization. Emergency Action taken by the President (or by the General Secretary-Treasurer under Article IV, Section 30 hereof) shall be deemed administrative action. Emergency Action which results in the suspension of the autonomy of a Local Union or other subordinate body shall be administered in a manner consistent with the democratic policies of this organization and shall be terminated by the President at the earliest possible date after the emergency requiring the action is over. After a trusteeship, however imposed upon any Local Union or other subordinate body, has been in effect for more than ninety days, any such Local Union or other subordinate body by majority vote of a regular meeting thereof may request the President to terminate the trusteeship and restore autonomy. The President, personally or by representative, shall fully investigate such request immediately upon receipt thereof and shall promptly conduct an appropriate hearing upon due notice to all interested parties who advocate either the termination or the continuation of the trusteeship. If the hearing is before a representative designated by the President he shall report his findings in writing to the President, who shall, within fifteen days after receipt of such report, render a decision in the matter. The determination of the President upon the request of a Local Union or other subordinate body for the restoration of autonomy shall constitute the President's Decision. When the President's Decision continues a suspension of local autonomy it shall be subject to the Appeal provisions of this Constitution. Pending an appeal, the President's Decision shall remain in full force and effect. Another request for restoration of autonomy to the Local Union or other subordinate body affected may be submitted to the President by majority vote of a regular meeting thereof at any time after six months have elapsed since the previous President's Decision. Proceedings and appeal rights upon such subsequent requests for restoration of autonomy shall be identical with the foregoing provisions of this section.

American Federation of  
Grain Millers

Section 7.

**CALLING MEETINGS:** In all cases of emergency, the President shall have the power to call meetings of Local Unions and preside over them in person or delegate a representative to preside over such meetings.

General Secretary-Treasurer

Section 30.

**AUDITORS:** Subject to the approval of the General Executive Board, the General Secretary-Treasurer shall have power to appoint one or more International Auditors. Such Auditors shall operate under the immediate direction and supervision of the General Secretary-Treasurer and upon demand shall be accorded access to all books and records of Local Unions and other subordinate bodies. Under the direction of the General Secretary-Treasurer such Auditors shall assist and direct Local Unions in the establishment of a uniform system of bookkeeping and reporting. Should any irregularity appear or be charged in connection with the fiscal affairs of any Local Union or other subordinate body, the General Secretary-Treasurer shall have the same powers as the President to take Emergency Action.

International Brotherhood of  
Electrical Workers

ARTICLE IV

International President

Section 3.

The I. P. is empowered as follows:

- (9) To take charge of the affairs of any L. U. [Local Union] when in his judgment such is necessary to protect or advance the interests of its members and the I. B. E. W., but for a period not to exceed six months. If the I. P. [International President] or his representative cannot or has not adjusted the affairs of the L. U. involved at the end of this period, then he shall refer the entire case to the I. E. C. [International Executive Council] which shall render a decision at its next regular meeting. The I. P. may suspend any local officer or member who offers interference in such cases.
- (10) To remove or suspend any L. U. officer, representative, appointee or agent, or any officer, general chairman or representative of Railroad System or Regional Councils, for incompetence, or for nonperformance of duties, or for failure to carry out the provisions of this Constitution and the rules herein, or the bylaws and agreements of the L. U. or Railroad Council, or for putting into effect or allowing to be put into effect any practice, rule, agreement, bylaw or policy not having approval of the I. P., or for failure to observe or carry out instructions or decisions of the I. P. When the I. P. suspends or removes any officer, representative, appointee, agent or any officer, general chairman or representative of Railroad System or Regional Councils, then he can fill any such office or position by appointment of others.

ARTICLE IX

International Executive Council

Section 1.

The duties of the I. E. C. shall be:

Section 7.

To take charge of the affairs of any L. U. when in its judgment such is necessary to protect or advance the interests of its members and the I. B. E. W., and to suspend any local officer or member who offers interference in such cases.

International Longshoremen's  
Association

ARTICLE XII

Local Unions

Section 4.

Notwithstanding any other provision of this constitution, the International President, with the consent of the appropriate District Council and where no District Council exists, with the consent of the governing body of the appropriate District organization, may, if in his judgment the welfare and best interest of the I.L.A. will be promoted, consolidate two or more Local Unions, reorganize or dissolve any Local Union, amend the charter or jurisdiction of any Local Union, or suspend the officers of such Local Union, and name a trustee or trustees to administer the affairs and property of such Local Union until an election of officers may be held at such time and place and under such conditions as the International President may prescribe. The International President shall have power under this section to present his decision in writing to the appropriate District Council, or, where no District Council exists, to the governing body of the appropriate District organization, for the purpose of obtaining the consent of such body to the actions he has taken hereunder.

ARTICLE XVIII

Discipline

Section 1.

- (g). A Local Union, District Council, or District organization, or any of its officers in possession of or in control of its books, records, papers, or accounts, failing to deliver the books, records, papers, or accounts of such subordinate body to, or refusing to allow an examination, inspection, or audit by the International President, or his deputy or deputies who bear credentials from him, or a Vice-President designated by him, may be suspended by the International President, and an administrator of the affairs, properties, and assets of such subordinate body with full power to act may be appointed by the International President in addition to any other and further action which may be taken to discipline said Local Union, District Council, or District organization, or any of its officers, as herein provided.

International Longshoremen's  
Association

Section 7.

Whenever charges have been filed with the Executive Council, or whenever it has assumed jurisdiction over the charges against an officer or officers of a Local Union, or District Council or District organization, the Executive Council shall have the following powers which it may exercise prior to a hearing or decision on such charges:

(a). Summarily to suspend the accused officer or officers.

(b). To appoint a temporary officer or temporary officers who shall have all the powers of the officer or officers so suspended, and who shall serve pending the decision of the Executive Council upon the charges against the accused, and (if the Executive Council finds the accused guilty) for a period of not more than six months after the rendition of such decision.

(c). To appoint an administrator or administrators of the affairs, funds and property of the Local Union or District Council or District organization whose officers are the subject of charges. Such administrator or administrators shall have all the powers of the officers of such Local Union or District Council or District organization and shall continue to act until the decision of the Executive Council upon such charges, and (in the event that the Executive Council finds the accused guilty) for not more than six months after the rendition of such decision.

In the event that the Executive Council exercises any of the powers provided for in this Section, it shall render its decision upon the charges with reasonable dispatch.

Section 9.

When the proper, peaceful, orderly, or lawful administration of and the functioning of a Local Union, District Council, or District organization shall be threatened, interfered with, subverted, or prevented, and the officers thereof are unable or unwilling to act so as to preserve the integrity of such subordinate body and of the I.L.A., the International President, the District Council, the District organization, or the Executive Council, as the case may be, may, before any charges have been filed, declare an emergency, summarily suspend the officers of the Local Union, District Council, or District organization, as the case may be, appoint an administrator or administrators of the property, assets, funds, and affairs of such Local Union, District Council, or District organization who shall have all the powers of the respective officers of such Local Union, District Council or District organization, and shall continue to act until the case shall be disposed of pursuant to the provisions of this Article. In each case, however, charges, as provided for in this Article, shall be made and filed within a period of thirty days after this section has been invoked.

## Appendix B

### Title III of the Labor-Management Reporting and Disclosure Act of 1959—Trusteeships

Reproduced in full below are the provisions of the Labor-Management Reporting and Disclosure Act of 1959 dealing with trusteeships.

#### Reports

##### Section. 301.

- (a). Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Secretary within thirty days after the date of the enactment of this Act or the imposition of any such trusteeship, and semiannually thereafter, a report, signed by its president and treasurer or corresponding principal officers, as well as by the trustees of such subordinate labor organization, containing the following information: (1) the name and address of the subordinate organization; (2) the date of establishing the trusteeship; (3) a detailed statement of the reason or reasons for establishing or continuing the trusteeship; and (4) the nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions or other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization. The initial report shall also include a full and complete account of the financial condition of such subordinate organization as of the time trusteeship was assumed over it. During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization shall file on behalf of the subordinate labor organization the annual financial report required by section 201 (b) signed by the president and treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship and the trustees of the subordinate labor organization.
- (b). The provisions of section 201 (c), 205, 206, 208, and 210 shall be applicable to reports filed under this title.
- (c). Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.
- (d). Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any report required under the provisions of this section or willfully makes a false entry in or willfully withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such report is based, shall be fined not more than \$10,000 or imprisoned for not more than one year or both.
- (e). Each individual required to sign a report under this section shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

Purposes for Which a Trusteeship May be Established

Section. 302.

Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.

Unlawful Acts Relating to Labor Organization Under Trusteeship

Section. 303.

- (a). During any period when a subordinate body of a labor organization is in trusteeship, it shall be unlawful (1) to count the vote of delegates from such body in any convention or election of officers of the labor organization unless the delegates have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate, or (2) to transfer to such organization any current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship: Provided, That nothing herein contained shall prevent the distribution of the assets of a labor organization in accordance with its constitution and bylaws upon the bona fide dissolution thereof.
- (b). Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

Enforcement

Section. 304.

- (a). Upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated the provisions of this title (except section 301) the Secretary shall investigate the complaint and if the Secretary finds probable cause to believe that such violation has occurred and has not been remedied he shall, without disclosing the identity of the complainant, bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate. Any member or subordinate body of a labor organization affected by any violation of this title (except section 301) may bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate.
- (b). For the purpose of actions under this section, district courts of the United States shall be deemed to have jurisdiction of a labor organization (1) in the district in which the principal office of such labor organization is located, or (2) in any district in which its duly authorized officers or agents are engaged in conducting the affairs of the trusteeship.

## Section. 304.—Continued

- (c). In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or bylaws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302. After the expiration of eighteen months the trusteeship shall be presumed invalid in any such proceeding and its discontinuance shall be decreed unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under section 302. In the latter event the court may dismiss the complaint or retain jurisdiction of the cause on such conditions and for such period as it deems appropriate.

Report to Congress

## Section. 305.

The Secretary shall submit to the Congress at the expiration of three years from the date of enactment of this Act a report upon the operation of this title.

Complaint by Secretary

## Section. 306.

The rights and remedies provided by this title shall be in addition to any and all other rights and remedies at law or in equity: Provided, That upon the filing of a complaint by the Secretary the jurisdiction of the district court over such trusteeship shall be exclusive and the final judgment shall be res judicata.