

June 27, 13
General President James Callahan
& The General Executive Board
1125 Seventeenth St. N. W.
Washington D.C. 20036

Re: Election Campaign Websites

Dear Sirs and Brothers,

I am in receipt of the letter dated June 20th, 2013 to the Local 501 Election Committee from General President James Callahan. As you are aware this letter limits the rights of members running for election in their Local union to use both Social Media sites, and “Campaign Websites”. The second page of this letter is a resolution dated January 24, 2007 in which the General Executive Board at that time resolved to limit Campaign Websites by introducing a requirement that members must “Log In”.

I am filing this to you as an *official complaint* and would appreciate a response *within ten (10) calendar days* as the outcome of the Local 501 Department of Labor supervised election could be affected by the decisions of the General Executive Board.

For the ease of the Executive Board I am stating my complaint numerically and would appreciate the responses accordingly.

1. Campaign Website Resolution dated January 24, 2007

The adoption of this resolution has expired. Since 2007 the International Union of Operating Engineers has hosted two (2) International Conventions, (2008 Las Vegas Nevada, and 2013 Hollywood, Florida). At no time was this Resolution adopted into the International Constitution, nor was the Resolution reinstated as a matter of law. Since Resolutions of this magnitude change the rules set forth in the Constitution they must be added as a new section of said Constitution, or they become null and void after any Constitutional Convention.

2. Quigley V. IUOE

The adoption of this Resolution was in response to the lawsuit “Quigley v. IUOE” and the case at no time mentions the use of “Social Media” (specifically Facebook, Youtube etc.) it is my contention that General President Callahan is stating his opinion rather than “law” as intended by the International Constitution. Since both Facebook and Youtube were clearly in existence at the time of this Resolution (2004 and 2005 respectively) both Social Media sites could easily have been added to the Resolution in question.

3. The limiting of First Amendment Rights by the International Union of Operating Engineers.

The arguments set forth in Quigley v. IUOE stated that the International Union believed that employers could use comments made on “Campaign Websites” during “organizing campaigns” and “negotiations” to undermine the effectiveness of the Union and Union members in general is ludicrous at best. Multiple lawsuits have been filed by the Federal Government against the IUOE and several members, including International Vice Presidents, have been arrested and placed in Federal Prisons. All of these cases have received national press, and it is far more likely that Employers would use these examples against bargaining, or organization efforts that anything a Local Office Candidate could say on the World Wide Web. A brief search performed on the search Engine “Google” will produce the following results:

A. www.foxnews.com

“Obama pick for NLRB was top lawyer for union tainted by mob ties, history of corruption” (published June 22, 2012)

B. www.nlpc.org

“New Jersey Operating Engineers Local President Pleads Guilty to Kickbacks, Theft” (published September 21, 2010)

C. www.nj.com

“Former N.J. union chief admits taking \$10K in kickbacks” (published August 10, 2010)

As the Board can clearly see, the Resolution in question is no longer valid, does not apply to “Social Media” and in fact was nothing more than an attempt to stifle the voice of candidates that were running against incumbents.

This Board, its Officers, and its members should consider the path it takes moving forward very carefully. The United States of America was founded on the principles that Freedom of Speech is one of the fundamental rights of all citizens, and this Union was founded on the principles that made our country so great. If this Board, its Officers, or any member should try and veil the suppression of Free Speech as “protections for its members” it would do well to research the history of other politicians who have suppressed Free Speech to protect the state, such luminaries as Adolf Hitler, Joseph Stalin, Idi Amin, Mao Zedong, and countless other dictators who, in suppressing the rights and freedoms of their people have garnered themselves a position of universal hatred throughout the free world.

I look forward to your response.

Respectfully,

Finn J. Pette
Candidate for Business Manager
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