

ACLU NEWS RELEASE

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FOR IMMEDIATE RELEASE

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The ACLU of Southern California filed suit today in defense of the right of union members who are not yet citizens to be treated with full equality, including the right to run for election to union office.

The suit seeks a temporary restraining order and a preliminary injunction to stop the enforcement of a union constitutional provision which prohibits non-citizen union members from being nominated for union office.

The suit was brought on behalf of union members, citizens and non-citizens, who maintain they are being denied an equal right to nominate and vote because of a prohibition in the constitution of the Hotel & Restaurant Employees and Bartenders International Union which denies the right of non-citizens to be nominated for election as officers of local unions and the international.

The action was brought under the Labor Management Reporting and Disclosure Act of 1959 (Landrum-Griffin Act). That act, referred to as "Labor's Bill of Rights," provides for equality among union members, including the right to nominate and vote.

Specifically, the suit challenges the union's prohibition against the candidacy of Daniel Ruiz, a permanent resident alien who has been a member in good standing in the union for six years. Although Ruiz is in all other ways qualified to run for office, the International President, E.T. Hanley, has refused to waive the citizenship requirement that allows Canadian non-citizens to run for office, but no other non-citizens.

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Ruiz, a former theological student, has been a resident of Los Angeles for six years and has been a member in good standing of the union for that period. The full processing of his immigration application for permanent resident status was not completed until 1976 by the Immigration and Naturalization Service. While Ruiz has attended citizenship classes for some time in preparation for citizenship, he cannot legally apply for citizenship until 1981, when five years will have passed from the time permanent resident status was granted.

The suit maintains that denial of Ruiz' right to run for office in his union violates the equal protection guarantees of the Landrum-Griffin Act, as it discriminates against one class of union member without any regard for the individual character, qualifications, or dedication of the individual member.

The prohibition also denies the right of U.S.-citizen members the right to nominate the member of their choice, the suit argues.

Ruiz, whose wife and son are U.S. citizens, said he sought to run for office "because I was urged to run by many members of our union who believe that the Spanish-speaking members are not being properly represented.

"A very large percentage of our membership is Spanish-speaking, perhaps even a majority, and a very high proportion of the Spanish-speaking are not yet citizens.

"These persons have no representation. This prohibition has a particularly harmful effect on a union like ours, where there is a need for officials who can speak to these people in their own language, who know their problems, and who share their aspirations."

Ruiz said he was "greatly disappointed" to learn that the union constitution would bar his candidacy for the sole reason that he is not yet a citizen.

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"I have worked and studied for the past two years to make sure that if I was elected I would provide effective representation for all of my co-workers," said Ruiz. "I was greatly disappointed to find that I would not be allowed to run. I believe that it makes of us second-class members of our union, and that many thousands of our members share my disappointment about this situation."

There are approximately 22,000 members of Local 11 of the union.

Among the other plaintiffs in the suit are Jim Quinn and Gail Cronyn, U.S.-citizen members who are candidates and believe Ruiz should have the same right. Ruiz, Quinn, Cronyn and others want to run together as part of the United Workers of Local 11 Campaign.

Declarations from many union members were filed with the suit urging the court to strike down the prohibition, including declarations from citizens, non-citizens, Spanish-speaking and black citizen union members, candidates and non-candidates.

Attorneys Mark Rosenbaum, ACLU staff attorney, and Dennis Perluss, volunteer attorney, are representing Ruiz and the other plaintiffs.

The suit asks that the court order non-citizens placed on the ballot in the Local 11 elections or stop the union from holding the election.

The suit also asks a declaratory judgment that the ban against non-citizen candidates violates the equal protection provisions of Landrum-Griffin.

For further information contact Mark Rosenbaum at 487-1720.