

I, DANIEL RUIZ, do hereby state and declare:

My name is Daniel Ruiz. I am thirty years of age, married and have a son who was born in the United States and is a citizen of this country. We reside at 4422 1/2 Russell Avenue in Los Angeles, California.

I myself am not yet a citizen. I am, however, a permanent resident, and have declared my intention to become a citizen as soon as legally possible. I have attended many classes in preparation for the day when I am able to become a citizen.

I was born in Mexico, where I received my education at a Roman Catholic Seminary School in the Archdiocese of Guadalajara. I was honored there by being provided with a further opportunity by the Archdiocese to receive additional theological instruction at the Vatican City, in Rome, Italy.

When I was approximately nineteen years old, I went to work as a telegraph operator in the communications department of the Mexican government. This occupation was very much the same as a telegraph operator for Western Union in this country, but in Mexico the telegraph service is operated by the Mexican government.

During this period, my parents were residents of California, and I decided to come to the United States. I was able to enter the United States since I was a federal employee of the Mexican government and under a reciprocal agreement between the United States and Mexico, federal employees of both countries may enter either country.

After my admission, I applied for immigrant status and began preparing myself to become a citizen, with the hope that I would be able to be a contributing and valuable citizen of this country, which has offered opportunity to so many. I enrolled in citizenship classes at the Evans Adult School to prepare myself for citizenship. In addition, I attended evening courses in English in Hollywood High School for nearly two years in order to communicate with and better understand this country and the majority of its people.

I first applied for immigrant status in 1971, as soon as was possible. During the long process of obtaining approval of permanent resident status, I married, my son was born, and I worked steadily in the hotel industry as a member of my union. It was not until April 4, 1976, that the government completed by immigration process and I was granted permanent resident status. The period of residency required to apply for citizenship is five years. I was greatly disappointed to learn that the five-year term begins only after receiving permanent resident status. Therefore, it will not be until 1981 that I will be able to apply for citizenship.

Despite this waiting period, I have continued citizenship study in order to be ready for the examination. I have always tried to conduct myself as a good citizen, and I have never been arrested or charged with any violation of the law. As soon as it is legally possible, I will apply for citizenship, which for me, will be the fulfillment of a dream.

I am presently employed at the Hyatt Hotel at 3515 Wilshire Boulevard in Los Angeles. I have worked there for the past six years, functioning in different capacities through a series of promotions as a houseman, waiter, front desk clerk, purchasing agent. I am interested in doing my work well, and am a member of the American Hotel and Motel Association, Chapter 40, which concentrates on self-improvement, and where I attended a series of seminars in hotel and motel law.

I am also deeply interested in my union and the labor movement in this country. During the entire period of six years of my employment at the Hyatt House, I have been a member in good standing of the Hotel and Restaurant Employees and Bartenders International Union. I am presently a member in good standing with all dues paid in Local 11. I have tried always to conduct myself as a good union member, and have attempted to help my co-workers whenever my assistance was needed.

I found in my work that many of my co-workers would come to me for assistance. Most of these persons were Spanish-speaking, and felt that they were not being assisted as they should be by our union, and that they were not being represented. This has been particularly true of members who are not citizens. They have a special need for assistance from their union, and a special need for representation. But that need is not presently satisfied, and there is no representation at all.

It is difficult for me to speak about myself in a way that might be seen as flattering. I hope I am a humble man. But I found that I was able to assist my co-workers who sought my

support and that more and more of them turned to me for help and representation. Many urged me to become a candidate as an officer in our union, so as to provide representation that is now absent.

I would consider it a great honor to be elected an officer in our union, and also a great responsibility. For the past two years, I have worked and studied, preparing myself to be able to hold union office in a good and responsible way. About a year ago, I voluntarily asked to be reassigned from purchasing agent to front desk work, since this work afforded me a greater opportunity to relate to and communicate with large numbers of my co-workers.

I have worked very hard preparing myself to be a union representative. I want to be a union official because I feel that a great segment of the Spanish-speaking membership is not properly represented by our Local.

During the last six years, and especially during the last two, I have listened to many personal and job-related problems confronting many co-workers. Because I have worked at many job categories at the hotel, I am aware of specific needs attendant to those positions.

Because of my training and interest in concerns of my co-workers, many look to me as a link between management and employees. Among tasks that I have taken on have been to take employees to medical facilities after work-related injuries; requesting clean uniforms from management and attempting to secure safer working conditions for the staff, such as more lighting for kitchen employees. I have secured the right of housemen to have breakfast supplied when they arrive for the

4:00 a.m. shift. In addition, I am also involved in an attempt to secure quality food control for the employees.

Since I have made myself available to others in the union, I have found great satisfaction in helping to achieve solutions to some needs of the Spanish-speaking workers and workers in general.

In order for the union to be effective, it must have the full confidence and support of all members. The present leadership does not have that confidence and support, due to the exclusion of Spanish-speaking workers from representation and full participation in the union. I personally believe the the majority of our union's members are Spanish-speaking workers.

In order to achieve representation, my co-workers approached me about running in the election set for April, 1978. They have made it clear to me that they want and need someone who will understand their problems, their language, and their aspirations. For me, such a trust is sacred. That is why I have worked and studied to ensure that I would be qualified to provide effective representation. I strongly feel that I should be given the opportunity to be elected and to represent Spanish-speaking people and all the members with an equal level of justice and dignity.

Once I made the decision to run for office in the upcoming elections set for April, 1978, I familiarized myself with the constitution and by-laws governing our union elections. I was extremely surprised and disappointed when I learned that in our

union constitution there is an article which prevents non-citizens from running for office without any reference to their individual character, ability, or dedication to our union and the betterment of working conditions for all.

I believe that my feeling of extreme disappointment is shared by the majority of the members of our union who are non-citizens and especially those of latin descent. When one believes that all are equal and then finds that he is less equal, when one hopes that he can make the fullest contribution to his union and to his adopted country, and then finds that he will be treated differently and unequally, solely because of his national origin, and without considering his character or ability at all, then one feels a deep disappointment and a sense that this must be called plain discrimination that does not make sense.

Non-citizens have made tremendous contributions to our union and to the labor movement in general. This cannot be doubted. In our union today, I believe the majority of members are Spanish-speaking immigrants, many if not most of whom are non-citizens. These members need and deserve equality in the union; they need and deserve representation. Denying non-citizens the right to run for office means, in effect, that the Spanish-speaking majority is without representation, without equality under the law, and that a minority of the membership exercises all decision making powers while the majority is left out.

When I learned that the constitution of the union would ban me and all other non-citizens from nominating ourselves

and holding office, I discussed the situation with fellow union members who agreed that this was unfair. On February 15, 1978, I, joined by Gail Cronyn and Jim Quinn, members of Local 11 and United States citizens, petitioned General President Edward T. Hanley to waive the citizenship requirement as he is emposed to do in Article XI, Section 17 of our union constitution. This same section bars non-citizens from holding office. However, it does not bar Canadian citizens.

On March 9, 1978, General President Hanley notified me by letter that he would not waive the citizenship requirement and allow me to be nominated and to run for local office.

In that letter, President Hanley stated that Article XI Section 17 is "specific" in making non-citizens ineligible and that "to the best of my knowledge, has never been waived by any General President of this International Union."

General President Hanley's decision appears to be based on the fact that no other President has waived the requirement, and an erroneous belief regarding my ability to become a citizen.

President Hanley states the following in his letter:

"In view of the fact that you have been a resident of the United States since 1971, I can see no compelling reason to request the General Executive Board to waive your

ineligibility."

However, the fact that I have resided in California since 1971 has nothing to do with the time I must wait to apply for citizenship. I am required to wait five years from the time I was granted permanent resident status by the Immigration and Naturalization Service, which status was granted in 1976. Therefore, I am barred from applying for citizenship until five years have passed from 1976.

Since President Hanley's decision was apparently based solely on this error,, I petitioned for reconsideration on March 23, 1978 by mailgram. I provided in that appeal to the General President the information contained above as to the time when I will be able to apply for citizenship and asked for reconsideration.

On March 30, 1978, I received a letter from President Hanley dated March 27, 1978, in which he denies my request for reconsideration and states he did not consider his denial in error despite the fact that the only reason given was the question of eligibility for citizenship. By any logic, serious attention should have been given to my appeal for reconsideration. His brief reply does not reflect this. I hope that what was in his mind was not the fact that we are challenging the incumbents..

The constitution of our union does not provide for any appeal from a decision of the general president to deny eligibility based on non-citizenship. No avenue of appeal is provided by the by-laws.

I, and Jim Quinn and Gail Cronyn, who would like to nominate each other and run for office together, have made numerous inquiries, by phone and by letter, of our local officers concerning this matter. While we have been led to believe that in the past non-citizens have not only been allowed to run but have held office, the local union has no means of appealing the general president's order.

In a special edition of "Local Eleven - NEWS CALENDAR" dated March, 1978, and received by mail on March 29, it was specifically stated that non-citizens, except for Canadian citizens, were not eligible. This special edition, a "Special!- Nominations and Election Issue," which constitutes "the only official notice" of nominations and the election, above the signatures of the president and secretary, specifically states under "Qualifications," that there are two conditions for eligibility. The first is that the member must have been an active member in continuous good standing with Local 11 for 24 months preceding nomination. I fully satisfy that requirement.

However, the second requirement is this: "(B) To be eligible for office, a member must be a citizen of the United States or Canada. (International Constitution, Article XI, Section 17)."

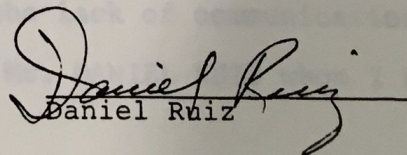
For this reason, alone, I am barred from nomination and running for office. Thousands of other non-citizens are barred from an equal opportunity to be nominated and to hold office. These thousands of people now constitute, I believe, a majority of the membership of our local union. While a

minority of the membership exercises full rights and makes all decisions, the majority are left out, despite their belief that equality is required for all members of our union.

While General President Hanley said there was "no compelling reason" to waive the citizenship requirement in my case, I feel that there are no compelling reasons why my request shouldn't be granted, especially since that in our particular local, we, the non-citizens and the Spanish-speaking, are the majority. If a union is regarded as a family and a brotherhood, as we do regard it, then I feel that the very meaning of the word "union is in doubt when basic rights and full equality are denied to some members of the family solely on the basis of national origin and citizenship, without regard to their personal character, their honor, their loyalty and dedication to their fellow union members of all races and nationalities.

I have appealed for the right to serve in my union to the highest authority and have exhausted all that is provided by our constitution and by-laws. I find that I am denied rights guaranteed to all other members for reasons of my national origin alone. I am deeply disappointed in this decision, and believe this feeling is shared by many thousands of others who are similarly denied equality on an unfair and unjust basis.

I declare under penalty of perjury that all the foregoing is true and correct. Executed on April 1, 1978 at Los Angeles, California.


Daniel Ruiz