

My name is Joe Gianforte and I am the son of an almost thirty year member of the ILWU and I, myself, was an A book longshoreman for almost eight years who was originally registered as a "B" book longshoreman through the use of the Union's "permissive rule"- Item 21-63 2J Rule 7 of the coast wide rules of registration and deregistration.

For almost twenty years I was denied registration through this rule by written denial, yet, in a clear case of double jeopardy, I was registered almost twenty years after I was eligible after my Father's death as a non-retired active longshoreman. The reason for this politically contrived and motivated civil rights violating manipulation of the rule was for certain people to use someone. I am a graduate of the Jesuit University of San Francisco. Is it possible the "permissive rule" has been used arbitrarily and its required sworn affidavit of sole support may be questioned in many instances up and down the Coast? A very critical issue! I was never given proper representation by the Union and its participation with the Pacific Maritime Association through the Joint Coast Labor Relations Committee until there was an expedient socio-political "exchange" by given parties. Honest people of integrity should want to know how this happened.

The reasons for the questionable years of denial and eventual subsequent registration should be of interest to all those who seek honest representation through a union, their employer, or their political leaders. Many bureaucratic and individual sources have been aware of this matter and have abrogated their normal representation and responsibilities to aid and abet the dismissal or time dilution of this situation and its relatively significant ramifications for the illicit participating parties. They may be influential, but how long can heinous political and civil rights violating behavior be tolerated in these critical times? Who defines themselves as above the law?

Despite the Oakland Port Commission being made aware of this matter in my speech of June 2003 to them, and many City Council members have the information, I have been unable to get any fair hearing from the ILWU-Pacific Maritime Association, et al. because no one wants to open the "Pandora's Box". Oakland is reputedly a labor town and I would like to appeal to the good faith and ethical influence of the Port of Oakland, City Council, etc. to help facilitate a reasonable approach to this matter. Illicit politics, from whatever direction, need to be addressed more and more, and responsibly, in this day and age. Thank you.

Paramount among other issues here is the possibility, and likelihood, of someone being rejected **several times** previously for registration by the ILWU, under its "permissive rule," and then being registered as a B man, under the same rule in **1986**. My father passed away as an active longshoreman in **1968** while I was a junior in high school. Evidently one has thirty days to fill out the paperwork, after the death of the father, to reserve a B book until they reach the minimum age to work on the waterfront. The thirty day stipulation, to my understanding, has been used very arbitrarily and has been upheld for some and not for others. I was never informed of the rule which was instituted in 1963 as **CLRC 21-63 Item 2J** of the Coast wide rules of registration and deregistration. By the way, upon application under this rule, a sworn and notarized affidavit of sole support is required. I wonder if the Union would care to substantiate their "permissive" referrals with their sole support criteria, and how many members in a particular family are already in the Union! Is that a mask and ruse over fraud, nepotism and cronyism? Possibly a rule of hire misused for decades. What could be the ramifications? I understand the ILWU has gone out of its way to inform other sons and daughters of the deceased, sometimes never denying them registration over periods of time, of the opportunity to register as Class B longshore workers. I applied after high school, during college, and after graduation from the Jesuit University of San Francisco(USF)-- make no small note of this fact--, and the results of the efforts may be found in the "Referral of Dispute to Joint Coast LRC 37-79."

I have been subjected, for a long period of time, to what obviously may be considered discriminatory activity and failure of the duty of fair representation by the ILWU and the Pacific Maritime Association through their joint contract. Is this discrimination and possible RICO involved matter really time barred?

Now may we all ask ourselves an inevitable question. Why after years of what many would surely say was a case of arbitrary discrimination and exclusion would someone be invited to a catered affair and special arrangements made to meet with, at the time, the ILWU International Vice-President Rudy Rubio?

I was invited to a catered party at then ILWU International Coast Committee member **Robert Olvera's** home on May 3, 1986, ostensibly to celebrate his wife's graduation from nursing school, to meet, among others, **Rudy Rubio**, Bill Watkins, Jim Herman, Randy Vekich, Eddie Holland, and **Joe Lucas**. Joe Lucas was soon to be the one-term president of Local 10 and, to my understanding, serves in a Secretary/Treasurer's capacity for the Pensioner's Association. To my understanding, the now-retired Lucas and Rubio serve as Coast arbitrators in the grievance machinery of the ILWU and the Pacific Maritime Association. What type of relationship do you think would be necessary with both the ILWU and Pacific Maritime Association to secure such positions? Think about it. After all, arbitrator positions must be approved by the Pacific Maritime Association. I was told by Bob Olvera to speak with **Lawrence Thibeaux** who helped with the administration of the qualifying physical examination for longshoremen. Thibeaux has served in many representative capacities for the ILWU.

Perhaps someone could inquire of those responsibly involved from the ILWU, the Pacific Maritime Association's Joint Coast Labor Relations Committee, and other responsible directions--please make no small note of **this** fact. What were the politics behind this brouhaha? What favors were moved and how embarrassed might some of the shadow movers feel each time the light of incrimination shines upon them? Surely people should be seeking accountability in this day and age. Other B registered longshoremen did not have to experience this. The rule with these people is "there are no rules."

People speak of the business unionist mentality and it is, in my opinion, readily exemplified by many officials throughout the history of the ILWU*(please see my accompanying documentation relative to the UAW and the UTU in Dallas). Union officials joining committees, running for office, etc., just for self-aggrandizement purposes or to get a kid or relative a job. Do you think these favors come for free?

ILWU officials provided a seaman's card for me*(please see accompanying documentation), before I was registered, to work out of the Inland Boatmen's Union, only on occasion, and only at passed over A and B registered classification longshore work as an extra. Let me remind you my Father had passed away almost twenty years before! They said I had to prove I could do longshore work. None of the other "permissively" registered longshoremen had to prove anything. Did any ILWU or PMA officials' siblings, for that matter, have to experience this before they were registered? All the while, my applications and resumes to do other types of work, where ordinarily one would have had a reasonable opportunity, strangely went nowhere.

Summarily, I was registered as a B longshoreman with the "permissive rule" eighteen years after my Father's death. This is after I had been **repeatedly denied***(Please see Coast LRC 37-79 highlighted in yellow). Very strange, you must concur. The ILWU and the PMA among **others**, may have a complicated, convoluted, and what may be said as corrupted political and employment predicament here and a significant attempt has been made to "cover it up." We all know the only explanations here would be crooked and contrived; this is a clear case of double jeopardy with no one accepting responsibility for obvious and heinous reasons.

Let's face it, there are apparently others who have had complications with registration under the "permissive rule,"-CLRC 21-63 Item 2J who were rejected as "untimely," as I was, and **NEVER** got into the Union. This is a salient and critical issue! If those with registration problems at other classifications, or those who have been deregistered for some reason or another, or the general public applicants at large who, by the way, possibly should be questioning the registration process in general, are able to reference my material, the **entire hiring process**, for years, could be considered **askew**.

Why was I subjected to malicious criminal charges for years with the prosecution, admitting in writing, they were unable to sustain a burden of proof? I would welcome the opportunity to mention a flow chart of the abject names involved with my situation, their possible purpose and role in the Civil Rights violating cover up, at any expedient time. It is hardly a situation of being caught with "hands in the cookie jar," I would think "the crumbs are all over the face."

I feel there has been a blatant and egregious violation of an individual's work opportunity here by many mitigating factors as well as discriminatory and unfair Union representation through the use of the "permissive rule." I left the industry in the middle 1990's, as I was fed up with the nature of "how" I was registered and as a longshoreman and "why," the illicit politics rift with coercion and constant threats of blackmail and frame-ups, and the pilfering of someone's seniority and back wages. To further complicate this matter, I have a couple of injuries that remain as a result of doing work to which I may never have been exposed had I had the proper seniority, representation and opportunities. These are issues I have asked may obvious avenues of recourse to address. The responses I have received include contrived distractive issues. The consequences and liability for this type of abuse are significant. My telephone number, for reference is (510) 614-2763. Thank you.

Joe Gianforte
Formerly #8724, A book ILWU Local 10

Complete 4 copies and send to the following:

PMA - S.F. PMA Area

ILWU - S.F. ILWU Local

Check distribution with X

REFERRAL OF DISPUTE TO JOINT COAST LRC

CLC LRC No. N.C. #37 79
(PMA Area) (Dispute No.) (Year)

ILWU LOCAL # 10
LOCAL OR AREA
LRC DISPUTE No. _____

Date 8/27/79

Referred to the CLRC at request of Union Employer(s) _____ Jointly _____

Ship _____ Dock or Berth _____ Dir. Employer _____

Section of Agreement or Work Rule involved _____

UNION'S

CONTENTION: The local union requests Class "B" registration for Joseph M. Gianforte per the permissive rule under CLRC 21-63 Item 2J. Joseph's father Joseph Gianforte, #4075, was an active Class A registered longshoreman at the time of his death in 1968. Joseph was a student, 17 years of age at the time. He applied when he was 22 years of age. His application was rejected as untimely. Joseph is the sole support of his mother. His untimeliness at his first application was due to lack of knowledge of time and formalities. The union was negligent in not notifying him of his rights.

Employer(s) Contention The Employers feel no error has occurred in the denial of the registration of Joseph M. Gianforte under the permissive rule CLRC #21-63. Item 2(j). The Union has had every opportunity to move for the registration of Mr. Gianforte. No evidence has been submitted explaining the reasons Mr. Gianforte did not apply until 1973 for registration. The Union has had ample opportunity to instruct the son of the deceased in the past as to his rights for registration. The Committee in LRC #19-73, was correct in denying registration for Mr. Gianforte.

SUPPORTING DOCUMENTS: Attach extracts from Local or Area LRC Minutes, Arbitrator's ruling, if any, and any other pertinent information to each copy.

FOR THE UNION: [Signature] FOR THE EMPLOYER: [Signature]

Following space is for joint CLRC use only:
Dispute Settled in CLRC Minutes # _____ Dated _____ Item # _____

- e. NC-24-86 -- Child of Deceased -- Johannus French, San Francisco (Local 34)

The Committee approved the request of Johannus French for Class "B" clerk registration in accordance with the provisions of CLRC Mtg. No. 21-63, Item 2(j).

- f. NC-25-86 -- Advancement From Class "B" to Class "A" Clerk Registration, San Francisco (Local 34)

The Committee approved the joint request to advance Larry Holmes (#13480) and Colleen O'Brien (#13481) from Class "B" to Class "A" clerk registration.

- g. NC-26-86 -- Child of Deceased -- Joseph M. Gianforte, San Francisco (Local 10)

The Committee approved the request of Joseph M. Gianforte for Class "B" longshore registration in accordance with the provisions of CLRC Mtg. No. 21-63, Item 2(j).

2. Low Work Opportunity Ports

In accordance with Supplement III and CLRC Mtg. No. 2-79, the Committee agrees that, based upon the review conducted on June 21, 1986, the status of the following ports is:

<u>PORT AND CATEGORY</u>	<u>RESULT OF REVIEW</u>
Anacortes - A	Remains LWOP as of 6/21/86

The following is a list of current Low Work Opportunity Ports:

<u>STATUS BASED ON SIX PAYROLL PORT AND CATEGORY</u>	<u>STATUS WEEKS ENDING</u>	<u>MAY END</u>
Port Gamble - A	1/18/86	7/19/86
Eureka - A	2/08/86	8/09/86
Bellingham - A	2/15/86	8/16/86
Sacramento - B	3/01/86	8/30/86
Astoria - B	3/15/86	9/13/86
Astoria -- A	3/29/86	6/27/86
Stockton - B	4/19/86	10/13/86
Crescent City/Gold Beach - A	5/24/86	11/22/86
Anacortes - A	6/21/86	12/22/86
Seattle - B (Clerk)	6/28/86	12/27/86

Joe Gianforte
4-22-86
M. Sweeney
DUES \$ _____
INITIATION \$ _____
OTHER \$ Reg 25.00
TOTAL PAID \$ _____

Signature [Signature]

CEIPT NUMBER

Inlandboatmen's Union of the Pacific

DUES \$ _____
INITIATION \$ _____
OTHER \$ 25.00 Registration Fee
TOTAL PAID \$ 25.00

• Joe Gianforte
March 4, 1986

Signature [Signature]

CEIPT NUMBER

Inlandboatmen's Union of the Pacific

DUES \$ _____
INITIATION \$ _____
OTHER \$ 25.00 Registration
TOTAL PAID \$ 25.00

• February 3, 1986
Joe Gianforte - D. Reg -

Signature [Signature]

SHIPPING CARD 260
Inlandboatmen's Union of the Pacific - San Francisco Div
Name Joe Gianforte
Registration Date February 3, 1986
834-2662

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