

Excerpts from the UNITE HERE Constitution

“A local may not withdraw from UNITE HERE, go out of existence, dissolve, or join or amalgamate with a non-UNITE HERE union without the prior consent of the General Executive Board.”

Article 5, Section 7

“The duties and powers of the GEB and the international officers with respect to locals shall likewise apply to all other affiliates, except as provided elsewhere in this Constitution.”

Article 7, Section 7

Grounds for disciplinary charges against any officer or member: **“Secession or fostering secession”**

Article 16, Section 1(i)

An affiliate’s charter can be revoked for **“any act of the affiliate intended or having the effect of terminating its status as an affiliate of UNITE HERE.”**

Article 7, Section 6(b)(vii).

“No funds of any affiliate shall be loaned, given, or expended to assist any seceding or antagonistic organization, or any affiliate that is violating this Constitution.”

Article 7, Section 4(b)

“All initiation fees, dues, other payments due or owed by members, and all other funds and property and all books and records in the possession of or subject to the control of any affiliate shall be and remain the property of UNITE HERE, but shall be retained by the affiliate with full power to use them for its proper purposes so long as such affiliate holds a valid charter issued by UNITE HERE.”

Article 21, Section 2(a).

Excerpt from federal court¹ transcript from ongoing and unresolved court proceedings:

Judge Daniels: "If I am a member of an organization and I am participating jointly in the joint activity of that organization...if I decide to disassociate myself from that organization, I don't get to pick and choose what I think is individually my property and take it with me; that I can move on if I want, but everybody doesn't get to pick the fruit off the tree and walk away with what they think is their portion. That's usually not the way any constitution works. If that was true, we wouldn't have fought a civil war."

Interpretation:

According to the plain language of the UNITE HERE Constitution, local unions cannot secede from UNITE HERE. The UNITE HERE General Executive Board voted on March 13, 2009, to revoke the charters of the Joint Boards that had voted to secede. Upon revocation of the charter, all affected locals became direct affiliates of UNITE HERE International Union.

The *New York Times* reported on 3/23/09: “One thing the two sides did agree on was that Unite Here would continue to own Amalgamated Bank, the nation’s only labor-owned bank.”

¹ *Gillis, et al. v. Wilhelm, et al. and Raynor v. Wilhem, et al.*, 09 Civ. 1116 (GBD) and 09 Civ. 1374 (GBD), U.S. District Court for the Southern District of New York.