

OPINION

Teamsters and US foreign policy

BY STEVE CHARNOVITZ

In August 1997, a federal official supervising the International Brotherhood of Teamsters union nullified the election in which Ron Carey was chosen the group's president. In November, another official disqualified Mr. Carey from running for reelection.

Although government interference in labor union operations often occurs in dictatorships, it is unusual in mature democracies. Why is the U.S. government meddling in the internal affairs of America's largest union? Did policy-makers consider the ramifications of this intervention on U.S. efforts to protect the rights of nongovernmental organizations, or NGOs, in other countries?

The Teamsters union has a long history of corruption. In 1988, Rudolph Giuliani, then-U.S. attorney for the Southern District of New York, filed racketeering charges against the union. Faced with a costly trial, the Teamsters reached a settlement with the government under which a federal judge appointed an "election officer" to supervise union activity.

The consent decree gives the election officer authority to take "remedial action," which was used to bar Mr. Carey from running in the next election.

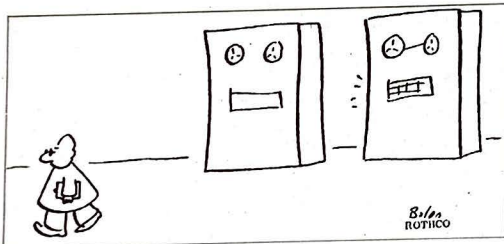
The consent decree is far more intrusive than federal labor law. Under the Labor-Management Reporting and Disclosure Act of 1959, individuals convicted of certain felonies can be disqualified from holding union office for 13 years. The consent decree goes beyond this act by allowing Mr. Carey to be disqualified even without a conviction.

Although disqualification may be fitting punishment for a candidate who makes illegal use of union funds to promote

his re-election, this punishment is not employed for campaign violations in the corporate or political arenas.

Incumbent corporate directors are given a lot of leeway in using corporate resources. In an egregious situation, a court might invalidate a shareholder vote. But it would be inconceivable for a judge to refuse to allow a sitting director to be re-elected. Similarly, politicians who accept illegal campaign contributions may be required to pay fines. But the Federal Election Commission has no power to disqualify candidates or nullify elections.

There is no reason why



"Save this, copy that, delete this, run that. . . The guy's a control freak, I tell you."

union elections should be kept cleaner than federal elections. Yet federal officials who violate campaign funding laws are not disqualified. The only justification for what was done to Mr. Carey is that the Teamsters "consented" to government domination eight years ago.

Furthering democratic norms within the Teamsters is an appropriate governmental objective. Yet the means used seem anti-democratic. To his credit, Kenneth Conboy, the election officer who ruled against Mr. Carey, recognized this tension and offered a plausible explanation for why this harsh action was best for the union. If Mr. Conboy is to be faulted, it is for considering the issue too parochially.

The promotion of stable democracies, human rights, and higher labor standards is an important American goal. Beginning with the Marshall Plan, and continuing with greater intensity over the past 20 years, the U.S. government has

worked with the AFL-CIO, business groups and human rights groups to strengthen NGOs in other countries. This effort has been bipartisan — demonstrated most concretely by the creation of the National Endowment for Democracy in 1984.

Multinational corporations also have a strong interest in vibrant NGOs. For example, some people want to use international trade controls to prevent child labor abuses. A better strategy might be to strengthen developing country NGOs that can work for local reform.

In interfering with the Teamsters at home, the U.S. government undercuts its efforts abroad to persuade foreign governments not to subvert NGOs. There have been many instances during the past 20 years — in Poland, South Africa, China, etc. — when U.S. officials have complained

about foreign governments bullying a labor or human rights NGO. The procedure used against the Teamsters — a coercive racketeering charge followed by a consent decree — could be twisted by other governments into a powerful technique of control.

Furthermore, government actions to interfere with labor union elections are proscribed by the International Labour Organization's Convention on Freedom of Association. The convention states that workers have a right "to elect their representatives in full freedom." By disqualifying Mr. Carey, the U.S. government is undermining this core ILO convention. The officials charged with overseeing the Teamsters should give greater weight to America's international responsibilities and aspirations.

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