Introduction:

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), also known as the Landrum-Griffin Act, was signed into law by President Eisenhower on September 14, 1959. Since it became law, the United States Supreme Court has issued a number of opinions interpreting the LMRDA. Listed below are some of the Supreme Court cases interpreting the LMRDA as well as summaries of the LMRDA issues and holdings in those Supreme Court decisions.

Musicians Federation v. Wittstein, 379 U.S. 171 (1964)

Under a weighted voting system whereby delegates from each local of the international union cast votes at its annual convention equal to the local's membership (with a local's total votes apportioned where delegates disagreed), a majority of the votes cast by less than one-half the delegates favored a dues increase. Union members sued to nullify the increase, on the ground that weighted voting violated the requirement in section 101(a)(3)(B) of the LMRDA that a dues increase be approved by "majority vote of the delegates voting at a regular convention." The district court rendered summary judgment for the union members, and the court of appeals affirmed, holding that, under that provision, each delegate was entitled to but one vote, regardless of the number of members he represented.

Held:

Section 101(a)(3)(B) of the LMRDA does not prohibit a weighted voting system under which delegates cast a number of votes equal to the membership of their local union. 379 U.S. at 175-183.

Calhoon v. Harvey, 379 U.S. 134 (1964)

Under union bylaws, members could nominate only themselves to office, eligibility for which, under the national constitution, was limited by specified provisions. Charging that these bylaws, combined with the national constitution's eligibility provisions, deprived them of "equal rights" to nominate candidates under Title I, section 101(a)(1), of the LMRDA, union members sued under section 102 to enjoin use of the union's challenged electoral system. The court dismissed the complaint for want of jurisdiction. The court of appeals reversed, holding that the complaint sufficiently alleged a violation of the LMRDA and the district court had jurisdiction of the suit.

Held:

Jurisdiction under section 102 of the LMRDA depends entirely on whether the complaint shows a violation of rights guaranteed by section 101(a)(1), which provides that members shall not be discriminated against in their right to nominate and vote. Jurisdiction in a Title I suit cannot rely in whole or in part on allegations which, in substance, charge a violation of Title IV, section 401(e), which sets standards for eligibility and qualifications of candidates and officials and

provides its own separate and different administrative and judicial procedure for challenging those standards. 379 U.S. at 138.

Wirtz v. Local 153, Glass Bottle Blowers Ass'n, 389 U.S. 463 (1968)

The Secretary of Labor filed this action under section 402(b) of the LMRDA, seeking invalidation by the district court of an election of union officers held by the union in 1963 and an order directing that a new election be conducted under the Secretary's supervision. Section 402(b) authorizes the Secretary, upon the complaint of a union member who has exhausted his union remedies, to file suit when an investigation gives the Secretary probable cause to believe that a union election violated the standards prescribed in section 401 of the LMRDA. If the court finds that a section 401 violation "may have affected the outcome of an election," the LMRDA provides that the court shall declare the election void and direct a new election supervised by the Secretary. The complaint in this case alleged that the union had violated section 401(e) of the LMRDA by imposing an unreasonable restriction on members' eligibility to be candidates and to hold office. Although finding the restriction violated section 401(e), the district court dismissed the suit on the ground that it was not established that the violation "may have affected the outcome" of the election. While the Secretary's appeal was pending, the union, in 1965, held another regular election. The court of appeals held that the 1965 election mooted the Secretary's challenge to the 1963 election, and vacated the district court's judgment without reaching the merits.

Held:

The Secretary of Labor's challenge to the 1963 election was not rendered moot by the unsupervised 1965 election. When the Secretary proves the existence of a section 401 violation that may have affected the outcome of a challenged election, he is not deprived of the right to a court order voiding the challenged election and directing that a new election be conducted under his supervision because the union has meanwhile conducted another unsupervised election. 389 U.S. at 473-76.

Wirtz v. Local Union No. 125, Laborers' Union, 389 U.S. 477 (1968)

In this companion case to *Wirtz v. Local 153, Glass Bottle Blowers Ass'n*, 389 U.S. 463 (1968), the Secretary of Labor sued under section 402(b) of the LMRDA to invalidate both a general election and the subsequent runoff election held by the union, alleging, in part, section 401(e) violations of the LMRDA because the union permitted members not in good standing to vote and to be candidates in both elections. The union member's complaint addressed only the runoff election, however, the Secretary's investigation revealed that the union allowed a large number of members ineligible under its constitution to vote in both the general and runoff elections, and that the union allowed 16 of 27 ineligible candidates to run in the general election. Finding that the complaint failed to allege that the union member had complained internally about the conduct of the general election and that the member's challenge of the runoff election could not support

the Secretary's challenge of the general election, the district court dismissed the part of the complaint relating to the general election. During the pendency of the Secretary's appeal, the union held its next regular election of officers, whereupon the court of appeals vacated the judgment of dismissal and directed the district court to dismiss as moot the portion of the Secretary's complaint dealing with the general election.

Held:

1. The Secretary is not deprived of his right to challenge the original general election because of the subsequent unsupervised general election. 389 U.S. at 479 (following *Wirtz v. Local 153, Glass Bottle Blowers Ass'n,* 389 U.S. 463 (1968)).

2. On the facts of this case, where the union member's protest challenged the runoff election and the union had fair notice from the violation charged by the member with respect to the runoff election that the same unlawful conduct probably occurred at the earlier general election, the Secretary is entitled to maintain his action challenging the general election. 389 U.S. at 481.

Wirtz v. Hotel Employees, Local 6, 391 U.S. 492 (1968)

The Secretary of Labor charged that the union's bylaw, which limited candidate eligibility for major elective offices to union members who hold or have previously held elective office, was not a reasonable qualification under section 401(e) of Title IV of the LMRDA, and that enforcement of the bylaw "may have affected the outcome" of the election within the meaning of section 402(c). The union had 27,000 members, 93% of whom were ineligible to run for major office because of the bylaw. The district court held the prior-office requirement unreasonable, but in view of the substantial defeat of opposition candidates who did run, lack of evidence that those disqualified were proven vote-getters, lack of a substantial grievance against the incumbents, and the overwhelming advantage of the incumbent group in having a full slate of candidates, did not find that enforcement of the bylaw "may have affected the outcome" of the election. The court refused to set aside the election but granted an injunction against enforcement of the bylaw in future elections. The court of appeals reversed the part of the judgment declaring the bylaw not to be reasonable and set aside the injunction.

Held:

1. Union bylaw limiting candidacy for major office to union members who hold or have previously held elective office, and rendering 93% of the union members ineligible, was not a "reasonable qualification" within the meaning of section 401(e) of the LMRDA. 391 U.S. at 505.

2. If the Secretary proves a violation of section 401, the violation establishes a prima facie case that the outcome of the election may have been affected, and it is the union's burden to demonstrate with tangible evidence that the violation could not have affected the outcome of the election. In this case, there was insufficient evidence to rebut the Secretary's prima facie case that the violation may have affected the outcome of the election. The factors the district court relied on were pure conjecture, and none of those factors were tangible evidence against the

reasonable possibility that the wholesale exclusion of members did affect the outcome. 391 U. S. at 505-509.

NLRB v. Marine Workers, 391 U.S. 418 (1968)

Holder, a union member, submitted charges to Local 22 that its president had violated the international's constitution. The local decided in its president's favor. Holder, without pursuing the intra-union appeals procedure contained in the international's constitution, filed an unfair labor practice complaint with the National Labor Relations Board (NLRB). While Holder's complaint was pending before the NLRB, Local 22 brought intra-union charges that Holder had violated the international's constitution by filing the NLRB charge before exhausting his internal remedies; Local 22 expelled him from the union. Holder then filed a second charge with the NLRB (the basis of this case), which alleged the union violated section 8(b)(1)(A) of the National Labor Relations Act (NLRA) by expelling Holder. The NLRB issued a remedial order. The federal court of appeals refused to enforce that order, relying on section 101(a)(4) of the LMRDA, which, while prohibiting a union from limiting a member's right to resort to a tribunal, provides that a member "may be required to exhaust reasonable hearing procedures" before doing so, "not to exceed a four-month lapse of time."

Held:

Though section 101(a)(4) of the LMRDA authorizes union hearing procedures for processing members' grievances, provided those procedures do not consume more than four months, a court or agency may consider whether a particular procedure is "reasonable" and entertain the complaint even though those procedures have not been "exhausted." 391 U.S. at 425-428.

Hodgson v. Local 6799, Steelworkers, 403 U.S. 333 (1971)

A union member filed a complaint with the Secretary of Labor pursuant to section 402(a) of the LMRDA, challenging a union election on several grounds, including the use of union facilities to promote the candidacy of the incumbent president and a meeting attendance requirement imposed as a condition of candidacy for union office. During his pursuit of internal union remedies, the union member objected to the use of union facilities to benefit the incumbent president, but failed to challenge the attendance requirement.

Held:

Failure of labor union member to object to meeting attendance rule during his pursuit of internal union remedies when the member was aware of the existence of the rule bars the Secretary of Labor from later challenging that rule in an action under section 402 of the LMRDA, which provides that, once a member challenging an election has exhausted his internal union remedies and filed a complaint with the Secretary of Labor, the Secretary "shall investigate such complaint

and, if he finds probable cause to believe that a violation . . . has occurred and has not been remedied, he shall . . . bring a civil action against the labor organization." 403 U.S. at 340-341.

Trbovich v. United Mine Workers, 404 U.S. 528 (1972)

Union member sought unsuccessfully to intervene, pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, in litigation brought by the Secretary of Labor to set aside an election of union officers under Title IV of the LMRDA. Union member, who initiated the enforcement proceeding with his complaint to the Secretary, sought to present evidence and argument in support of the Secretary's election challenge, and to urge additional grounds for setting the election aside.

Held:

1. There is nothing in the language of Title IV of the LMRDA or its legislative history to bar intervention by an affected union member in a post-election enforcement suit brought by the Secretary of Labor, so long as that intervention is limited to claims of illegality presented by the Secretary's complaint and no additional grounds for setting the election aside are raised. 404 U.S. at 530-537.

2. Intervention under Rule 24(a) was warranted for the union member in question, as he may have had a valid complaint about the performance of the Secretary, who protects not only the rights of individual union members, but also the public interest in free and democratic union elections, two functions that may not always dictate the same approach to the conduct of the litigation. 404 U.S. at 537-539.

Hall v. Cole, 412 U.S. 1 (1973)

Individual, expelled from his union for deliberate and malicious vilification of union management, regained his union membership in a suit under section 102 of the LMRDA and was awarded $5,500 in legal fees. The court of appeals affirmed.

Held:

1. Attorneys' fees may be awarded to a successful plaintiff in a suit brought under section 102 of the LMRDA. Union member's suit vindicated not only his own rights of free speech guaranteed by the statute but furthered the interests of the union and its members as well. As a result, the award of attorneys' fees under these circumstances comported with the trial court's inherent equitable power of making such an award whenever "overriding considerations indicate the need for such a recovery." 412 U.S. at 4-9.

2. The allowance of counsel fees to the successful plaintiff in a suit brought under section 102 is not precluded by that statutory provision and, indeed, is supported by the legislative history of the LMRDA. 412 U.S. at 9-14.

3. Under all the facts of the case, the district court did not abuse its discretion in awarding attorneys' fees to respondent. 412 U.S. 14-15.

Dunlop v. Bachowski, 421 U.S. 560 (1975)

After being defeated for office by the incumbent in a union election, and after exhausting his union remedies, candidate filed a complaint with the Secretary of Labor, alleging violations of section 401 of the LMRDA and invoking section 402(b) of the statute, which requires the Secretary to investigate the complaint and decide whether to bring a civil action to set aside the election. The Secretary, upon investigation, decided that such an action was not warranted, and so advised the candidate, who then filed an action to have the Secretary's decision declared arbitrary and capricious and to order him to file suit to set aside the election.

Held:

The district court has jurisdiction to review the Secretary's decision and determine whether it is arbitrary, capricious, abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act (APA). However, this review does not extend to a trial-type inquiry into the factual bases for the Secretary's decision. The Secretary must provide the court and the complaining union member with a statement of reasons supporting his determination, and the court's review is confined to examining the statement and determining whether the Secretary's decision is so irrational as to constitute the decision arbitrary and capricious. 421 U.S. at 566 and 571-573.

Local 3489, Steelworkers v. Usery, 429 U.S. 305 (1977)

Section 401(e) of the LMRDA provides that every union member in good standing shall be eligible to be a candidate and to hold office, subject to "reasonable qualifications." The Secretary of Labor brought a suit challenging a union rule limiting eligibility for local union office to members who had attended at least one-half of the local's regular meetings for three years prior to the election of officers.

Held:

A meeting attendance rule requiring candidates for union office to have attended at least one-half of the regular meetings during the three years prior to the election violated section 401(e) of the LMRDA where the requirement resulted in the exclusion of 96.5% of the local's members from candidacy for office. The requirement could not be considered a "reasonable qualification" consistent with Title IV's goal of free and democratic union elections because it restricted the free choice of the membership in selecting its leaders. Furthermore, the requirement had a restrictive effect on union democracy even when considered as simply mandating a procedure to be followed by any member who wishes to be a candidate, rather than as excluding a category of members from eligibility for office, since it is probable that to require a member to decide upon a potential candidacy at least 18 months in advance of an election when no issues exist to prompt

that decision may discourage candidacies, and, to that extent, impair the general membership's freedom to oust incumbents in favor of new leadership. 429 U.S. at 310-311.

Finnegan v. Leu, 456 U.S. 431 (1982)

Sections 101(a)(1) and (2) of Title I of the LMRDA guarantee equal voting rights and rights of free speech and assembly to "[e]very member of a labor organization," and section 609 of Title VI makes it unlawful for a union "to fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled" under the statute. Section 102 provides that any person whose rights under Title I have been infringed by any violation thereof may bring an action in federal district court for appropriate relief. Union members were discharged from their appointed positions as business agents for the local union by the union president following his election over a candidate supported by the former business agents. Their discharges did not render the former business agents ineligible to continue union membership. Former business agents filed suit against the union in federal district court, alleging that they had been terminated from their appointed positions in violation of the LMRDA. The district court granted summary judgment for the union, holding that the LMRDA does not protect a union employee from discharge by the union president if the employee's rights as a union member are not affected. The court of appeals affirmed.

Held:

Former business agents failed to establish a violation of the LMRDA. Removal from appointive union employment is not within the scope of section 609's prohibitions, because that section was meant to refer only to actions that affect a union member's rights or status as a member of the union, and not to termination of a member's status as an appointed union employee. Furthermore, whatever limits Title I places on a union's authority to utilize dismissal from office as part of an attempt to suppress dissent, it does not restrict the freedom of an elected union leader to choose a staff whose views are compatible with his own. 456 U.S. at 435-442.

Steelworkers v. Sadlowski, 457 U.S. 102 (1982)

Union amended its constitution to include an "outsider rule" which prohibited candidates for union office from accepting campaign contributions from nonmembers. Union members filed suit against in federal district court, claiming that the rule prohibited nonmember contributions to finance campaign-related litigation, and thus violated section 101(a)(4) of the LMRDA, which provides that a union may not limit the rights of its members to institute an action in any court or administrative agency. The district court found for the union members. The court of appeals affirmed, agreeing that the outsider rule violated section 101(a)(4). It also accepted an argument, first raised on appeal, that the rule violated the "freedom of speech and assembly" provision of section 101(a)(2) of the LMRDA giving every union member the right to assemble freely with other members and to express at union meetings his views about candidates in union elections or any business properly before the meeting.

Held:

1. Scope of section 101(a)(2) of the LMRDA, regarding freedom of speech and assembly for union members, is not identical to the scope of rights provided in the First Amendment to the United States Constitution. Union rules are valid under section 101(a)(2) as long as they are reasonable. 457 U.S. at 111.
2. Union's outsider rule did not violate section 101(a)(2) of the LMRDA. Although it may have interfered with rights Congress intended to protect, it was rationally related to a legitimate and protected purpose, and thus was sheltered by section 101(a)(2)'s proviso, which gives a union authority to adopt reasonable rules regarding its members' responsibilities. 457 U.S. at 108-119.
3. Union's outsider rule also did not violate section 101(a)(4) of the LMRDA's right-to-sue provision because the rule did not apply where a member uses funds from outsiders to finance litigation. Neither the rule's language nor the debates leading up to its passage indicate that the union intended the rule to apply in such context. Moreover, the rule-enforcement committee issued an opinion stating that the rule's limitations "do not apply to the financing of lawsuits by nonmembers for the purpose of asserting the legal rights of candidates or other union members in connection with elections." 457 U. S. at 119-121.

Local 82, Furniture & Moving Drivers v. Crowley, 467 U.S. 526 (1984)

Title I of the LMRDA provides a "Bill of Rights" for labor union members, including various protections for members involved in union elections. Section 102 provides that any person whose Title I rights have been violated may bring an action in federal district court "for such relief (including injunctions) as may be appropriate." Union, in preparation for an election scheduled for the last two months of 1980, held a meeting to nominate candidates for its executive board. Admission to the meeting was restricted to those union members who could produce a computerized receipt showing that their union dues had been paid. Union members were prohibited from entering the meeting for not possessing such a receipt. There was also a disagreement at the meeting as to the office for which a member had been nominated. Union members then filed a protest with the union, but it was denied. Election ballots were thereafter distributed with instructions that they be returned by mail so as to arrive in a designated post office box by 9 a.m. on December 13, 1980, at which time they were to be counted. On December 1, 1980, after the ballots had been distributed, union members filed an action in federal district court, alleging that the union and its officers had violated Title I, and seeking a preliminary injunction. The court issued a preliminary injunction and an order declaring the interrupted election invalid, setting forth detailed procedures to be followed during a new election, and appointing outside arbitrators to supervise implementation of the procedures. The court of appeals affirmed.

Held:

The district court overstepped the bounds of appropriate relief under Title I of the LMRDA when it enjoined an ongoing union election and ordered that a new election be held pursuant to

procedures imposed by the court. If the remedy sought is invalidation of the election already being conducted and supervision of a new election, then union members must utilize the remedies provided by Title IV of the LMRDA. 467 U.S. at 535-551.

Breininger v. Local 6, Sheet Metal Workers, 493 U.S. 67 (1989)

Pursuant to a multi-employer collective bargaining agreement, union operated a hiring hall through which it referred both members and nonmembers for work at the request of employers. A member of the union filed suit alleging that the union: (1) violated sections 101(a)(5) and 609 of the LMRDA -- which forbids a union to "fine, suspend, expe[l] or otherwise discipline" a member for exercising LMRDA-secured rights -- by refusing to refer him through the hiring hall as a result of his political opposition to union leadership; and (2) breached its duty of fair representation under the NLRA by discriminating against him with respect to such referrals. The district court dismissed the suit and the court of appeals affirmed, ruling that fair representation claims must be brought before the NLRB, and that the union member had failed to state a claim under the LMRDA.

Held:

Union's alleged refusal to refer its member to employment through the union hiring hall as a result of his political opposition to the union's leadership did not give rise to a claim under sections 101(a)(5) and 609 of the LMRDA. By using the phrase "otherwise discipline," those sections demonstrate a congressional intent to denote only punishment authorized by the union as a collective entity, and not to include all acts that deterred the exercise of LMRDA-protected rights. Here, the opprobrium of the union as an entity was not visited on its member, since he alleged only that he was the victim of personal vendettas of union officers, and not that he was punished by any tribunal or subjected to any proceedings convened by the union. 493 U.S. at 70-71 and 90-91.

Reed v. United Transp. Union, 488 U.S. 319 (1989)

Two years after the last of the complained-of events occurred, an officer of a local chapter of the union filed suit against the union and various of its officers, alleging that they had violated his right to free speech as to union matters under section 101(a)(2) of Title I of the LMRDA. There is no statute of limitations expressly applicable to section 101 actions. The district court denied the union's summary judgment motion, rejecting the argument that the union officer had filed his suit out of time and holding that the action was governed by North Carolina's 3-year statute of limitations for personal injury actions. The court of appeals reversed, construing *DelCostello v. Teamsters*, 462 U. S. 151 (1983), to require that the section 101(a)(2) claim be governed by the 6-month statute of limitations set forth in section 10(b) of the NLRA for filing unfair labor practice charges with the NLRB.

Held:

Section 101(a)(2) claims are governed by state general or residual personal injury statutes of limitations. 488 U.S. at 323-334.

Sheet Metal Workers v. Lynn, 488 U.S. 347 (1989)

In an attempt to alleviate a financial crisis plaguing the local union (Local), which is an affiliate of the international union (International), the International's president appointed a trustee to supervise the Local's affairs, with authority under the International's constitution to suspend the Local's officers and business representatives. Five days after a special meeting at which the Local's membership defeated the trustee's proposal to increase their dues, the trustee notified an elected business representative of the Local that he was being removed "indefinitely" from his position because of his outspoken opposition to the proposal at the meeting. After exhausting his intra-union remedies, the former business representative brought suit in federal district court, claiming that his removal violated the free speech provision of Title I of the LMRDA. The court granted summary judgment for petitioners under *Finnegan v. Leu*, 456 U. S. 431, which held that the discharge of a union's appointed business agents by the union president, following his election over the incumbent for whom the business agents had campaigned, did not violate Title I. However, the court of appeals reversed, holding that *Finnegan* did not control where the dismissed union official was elected, rather than appointed, and rejecting the contention that the elected business agent's removal was valid because it was carried out under the trustee's authority.

Held:

The removal of a union's elected business agent, in retaliation for statements he made at a union meeting in opposition to a dues increase sought by the union trustee, violates the free speech provisions of the LMRDA. 488 U.S. at 352-359.

Guidry v. Sheet Metal Workers, 493 U.S. 365 (1990)

Former union official pleaded guilty to embezzling funds from the union in violation of section 501(c) of the LMRDA. The district court entered a money judgment against the former union official and imposed a constructive trust on his pension benefits until the judgment was satisfied.

Held: Former union official's pension may not be garnished or placed under a constructive trust, despite monetary judgment against him for LMRDA conviction of embezzlement of union funds. The constructive trust violates ERISA's prohibition on assignment or alienation of pension benefits and nothing in LMRDA prevents application of ERISA provision. 493 U.S. at 367 and 371-377.

Masters Mates & Pilots v. Brown, 498 U.S. 466 (1991)

Unsuccessful candidate in prior elections of the union advised the union that he would be a candidate in the upcoming 1988 election and requested that he be provided with mailing labels so that he could arrange for a timely mailing of election literature to members prior to the union's nominating convention. The request was denied because a union rule prohibited such preconvention mailings. Unsuccessful candidate filed suit under section 401(c) of the LMRDA, which places every union "under a duty, enforceable at the suit of any bona fide candidate . . . , to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature. . . ."

The district court entered a preliminary injunction in the unsuccessful candidate's favor, ruling, inter alia, that section 401(c)'s clear language required it to focus on the reasonableness of the candidate's request rather than on the reasonableness of the union rule under which the request was denied, that the request was clearly reasonable, and that the union rule was invalid. The court of appeals affirmed.

Held:

Section 401(c) does not require a court to evaluate the reasonableness of a union rule before it decides whether a candidate's request was reasonable regarding distribution of campaign literature. Because the candidate's distribution request was reasonable, and the inquiry under section 401(c) should focus on the reasonableness of the candidate's request rather than the reasonableness of the union rule prohibiting preconvention mailing, the candidate's request must be granted. 498 U.S. at 473-478.