

Dear CWA Executive Board,

General Counsel Angela Thompson has provided a legal opinion to the Board on my particular situation. I disagree with this second set of arguments to deny my eligibility for office in this second, formal memo just as I also disagreed with the first set of arguments to deny my eligibility in Chief of Staff Jody Calemine's earlier "informal memo."

I urge CWA's National Executive Board to reject a process and strained logic engineered as a pretext for disqualifying the candidacy of a legitimate member of this Union. Based on my record of membership, dues, corroboration CWA-TSEU Local 6186, past and current practice and interpretations of the CWA Constitution I am a full member of CWA and therefore am eligible to hold CWA office.

I am deeply hurt by the lack of process, transparency and description of events in CWA's second memo. For example, the memo asserts President Shelton's version of our phone conversation as facts. I disagree with the characterization of that call as stated in this memo. I was never interviewed. Nor was my Local.

The fact remains that I have been paying dues of CWA since 2006 to my Local which deemed me a member. I have paid dues to CWA-TSEU Local 6186 for 17 years. I've voted in local elections and I was eligible to be a delegate to the Convention. Does that mean I am half a member or three-fifths of a member? The records provided by my Local, did not indicate that I was somehow an associate member with limited rights, privileges or responsibilities. My Executive Board and my President accepted my membership fully and I have maintained that membership. Like me, there are currently elected leaders and hundreds of members that have originated their membership in their locals. The labored reasoning of the memos shared attempt to undermine basic and plain meaning of words and a straightforward understanding of who a member is.

Many members such as myself, who have paid dues for years and decades, are members in their locals with rights to vote in elections, be delegates to the National Convention and are considered members in "good standing" by their locals. What happens to them? There are clear rulings from the DOL that unions can not have two types of memberships.

The notion that non-membership can be cured by being elected as an officer to your local is backwards logic. If a non-member, is not eligible to vote, let alone hold office or be eligible to be a Convention delegate, how can being elected to local office cure the ineligibility question?

In both Mr. Calemine's and Ms. Thompson's memo, they contend that one must be seeking membership in a bargaining unit as a requirement to being an eligible member within CWA. Nowhere in our Constitution is this mentioned or even alluded to. They also contend one could be a member and not pay dues, but could be a part of an organizing committee, elected to sit on a bargaining committee, which isn't in the Constitution or a part of any record I found from

Convention minutes. However this was in the Convention minutes of 1992, which should be referred to as the most recent precedent on the matter is the Ms. Ashkinazy's appeal.

After researching past convention action and comments made, I did find an appeal from the 1997 Convention where Staff Representatives who never came out of a bargaining unit had their membership reinstated in Local 1033. (page 125 -- <https://cwa-union.org/sites/default/files/proceed1997.pdf>).

Here are few observations from this appeal:

1. **Labor Law and CWA do not permit a two-tier membership system.** In the appeal of 1997 that reinstated the membership of select CWA staff, the LMDRA was clear that there is only one type of union membership. CWA has no designation to create an associate member, or a second class member without benefits, voting rights, and the ability to run for higher elected office. There is a long standing history in our Union that if you pay dues to CWA, you are a member.
2. **Membership can originate from a Local.** In the past, Convention delegates voted to allow individuals like me to have their membership *originate* in a local, not just *maintained*. As I stated in my original response, there have been plenty of individuals who have had their membership originate in a local.
3. **Evidence of lack of consensus.** In considering this membership appeal, President Bahr explicitly recognized that the membership of many leaders in this union is very much like my own. He said: "I know from first-hand that there are people who have worked for this union for 25 years or longer and are members of locals from all of the locals sitting out here." These comments support the fact that there is no prohibition on local staff (who did not come from a bargaining unit) being full-fledged CWA members. Both the appeal and President Bahr's comments make it clear that there was consensus and clarity on this question.

Therefore, if there was another case later on where that assessment changed, CWA must provide evidence of the details regarding that case, and how the decision was made that local staff who do not come from bargaining units cannot be full-fledged CWA members.

In closing, the heart of my argument is there are many individuals like myself and have paid dues for decades. They are committed to this union just like I am, they work hard for this union and have sacrificed time with their families, only to be told now that they aren't members of the union they believe in.

I will accept the Board's decision yet urge the Board to choose on the side of a common reading and plain understanding of CWA membership rules rather than the tenuous logic asserted by the two memos posing two different attempts to reject my membership or essentially assert a two-tier membership structure. I hope the Board calls for a process that treats questions of democracy with a higher threshold because the voice of the members is at stake.

I request that I am granted the ability to address you all directly for the third time, at the Board meeting tomorrow. And for the record this is my second response to the 2nd attempt to disqualify me, it's only fair that if another memo is crafted to reshape arguments or add new requirements, that I may be given time to rebut them.

In Solidarity,
Derrick