

Civic, labor leader denied rights with outrageous punishment

JUAN ANDRADE



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In our American system of justice, we go to great lengths to ensure that any punishment fits the crime. And, I believe we can all agree, one of the most severe forms of punishment an American can suffer is the loss of any of his or her constitutional rights.

But even before a person's rights are revoked in America, one must first be accused, tried, convicted and sentenced in a court of law. Only the courts should have that power.

Yet it can happen and it is happening right now to an upstanding, good and decent local civic and labor leader, in whose case the pun-

ishment is the crime.

Bill Hogan Jr., 60, has been banned for life from the International Brotherhood of Teamsters by order of a nongovernmental entity known as the Independent Review Board. The board is unilaterally empowered to ban Teamsters from their union, without so much as civil or criminal charges being filed against them. A person can appeal the board's decision in federal court, but, unlike Hogan, most just accept their fate instead of spending their life's savings fighting to have their constitutional rights of freedom of speech and association restored.

The ban also effectively prohibits any member of the Teamsters union from associating with Hogan about union, personal or social issues, under threat of suspension or expulsion — which on its face violates union members' constitutional rights, too. Hogan has been fighting this ban for 18 months.

The board can ban Teamsters who have been found guilty of a crime or of associating with the

nonexisting contract be standard?

At its peak, there were 110,000 Teamsters in Chicago when Hogan served as president of the Joint Council, and he immediately reduced his own compensation by \$80,000 annually because Hogan's life has been about fighting for justice and fairness for workers, not about enriching himself. His father helped start the union in 1939, so the family has strong ties to a countless number of Teamsters.

Yet, under the ban, Hogan can't attend the weddings of his godchildren, the wakes of lifelong friends, or the baptism of children born to parents Hogan brought into the union because Teamsters may try to discuss union business with him and lose their jobs. He can't play on his old Teamsters softball team because someone may ask him about a union issue and get fired for it.

Hogan's son Robert is head of Teamsters Local 714 and Hogan can't ask him, "How are things at work?" for fear of getting him fired. Incredibly, anybody who

wants to become a Teamster has to effectively forfeit his or her right to associate with Bill Hogan. Why should any American be prohibited from associating with another American, especially with someone like Bill Hogan, who has never even been accused of a crime?

As a prominent civic leader, Hogan has served as president of the Chicago Convention and Tourism Bureau, using his extensive business savvy and problem-solving ability to help bring trade shows, conventions and other attractions to the city. As a result, visitors have spent hundreds of millions of dollars in Chicago, and countless workers have gotten hundreds of thousands of hours of work at good wages. Hogan is still an active member of the Bureau's board of directors and its executive committee, and is going before a federal appeals court in New York asking that the ban be lifted.

Hogan is now due the same justice and fairness that he has always sought for others, and hopefully, the appeals court will rule in his favor.

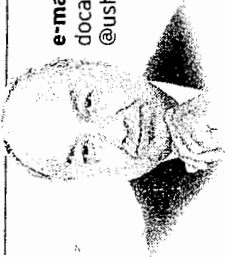
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mob. But no one has accused Hogan of committing a crime, nor with having any association with the mob. The board merely accused him of negotiating a "substandard" contract in Las Vegas, and based its ban on that — disregarding the fact that as president of the Teamsters Joint Council in Chicago, Hogan lacked the authority to negotiate a contract in Las Vegas.

Hogan does admit that he was contacted by the negotiating parties, which is permissible. But the two parties broke off the negotiations before an agreement on a contract could be reached, which was unfortunate, because the negotiated pay rate had actually been increased from \$7 to \$11 per hour. Exactly what was substandard about that increase is beyond me. But more important, how can a

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Justice for all, even Teamsters

Sometimes our government persists in doing the wrong thing for what may sound like some very right reasons. The provision for civil suits under the law nicknamed RICO—for Racketeer Influenced and Corrupt Organizations—offers a lot of opportunities to do just that.

Too often of late, the Justice Department has been tempted to wring the last drop of authority out of what probably is a well-intentioned civil adjunct to the criminal RICO law, which was custom-designed as a weapon against organized crime.

When U.S. Atty. Rudolph Giuliani went to federal court last week in New York City, he declared that the government was "bringing a lawsuit to attack and to reverse once and for all a major American scandal—organized crime's alliance with the Teamsters." He said Teamsters' leaders made a "devil's pact" with the Mafia that perverted the union into a racketeering enterprise and deprived members of their rights.

The pattern of racketeering, according to Giuliani, includes 20 murders, a number of shootings, bombings and beatings, extortion and theft, a campaign of fear and misuse of union funds. What's more, four of the international's last five presidents faced federal felony charges and three were convicted.

Now if you're any kind of red-blooded, right-thinking, anticrime, anti-pact-with-the-devil American, all that makes you want to jump up, click your heels and yell, "Go get 'em!" It's never been much of a secret that there were a lot of bad guys mixed up with the Teamsters and that a lot of their leaders have gone to jail or should have. And it's hard not to cheer on anyone who wants to purge the union of any remaining crooks and throw them in the slammer.

But that's not exactly what Giuliani, a tough prosecutor who doesn't often discourage wistful Republican talk about his future as a candidate for governor or the U.S. Senate, has in mind. In an otherwise successful mob prosecution, he failed recently to make a criminal case of Teamster-related labor racketeering. In the past, at a lower level, conviction of leaders has

led to civil suits to put the union locals under a trusteeship so new elections could be held. But now, without a related criminal conviction to hang it on, Giuliani wants to let the government take over the whole union through a civil action, where the burden of proof is considerably less than in a criminal trial.

There is something inherently unfair about that. Just because Congress passes a popular law aimed at a lot of bad guys, that doesn't make it right. Granted, it's hard to get all worked up about somebody cutting some corners to put the screws to the Teamsters and trying to run off the 18 members of the international executive board. But we have criminal laws to deal with folks who do wrong. People are guilty of something, you make your case, convict them and put them away. Otherwise, lay off. In this nation of laws, the presumption of innocence must prevail.

This time the short cuts are aimed at the Teamsters. Other times they're used to grab the property of suspected drug dealers who haven't been indicted, much less convicted. Or to seize a company thought to be controlled by the mob. That's frontier justice at its crudest. Not far from the old "sure-we're-going-to-give-these-horse-thieves-a-fair-trial-before-we-hang-'em" kind.

If the civil RICO statute is to stand and be used in the absence of an earlier criminal conviction, it should be done only under the closest and most sensitive kind of in-house Justice Department restraints. Sensitivity and restraint in this sort of matter were never long suits of the blessedly departing Atty. Gen. Edwin Meese III, who once suggested we shouldn't be too concerned about suspects' rights because if they weren't guilty they probably wouldn't be suspects.

Rudolph Giuliani, who's carrying the ball on this one, has a prosecutorial soul. He sees evil. He wants to get rid of it. He and Meese call the suit a "surgical" attempt to remove any Mafia taint from the union. Commendable, but they should listen to a second opinion: First, get convictions; then go for the new elections.