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History of Charters in the AFL, CIO and AFL-CIO

Charters, or certificates of affiliation, have always represented the official record of a labor organization's affiliation with the American Federation of Labor (AFL), the Congress of Industrial Organizations (CIO), and subsequently the AFL-CIO. With affiliation to one of these federations, a union secured representation at conventions and, in exchange, paid dues and conformed to rules set forth in the federation's constitution and by-laws. Although the significance of a charter has changed little over time, the procedures concerning their issuance, surrender, and revocation as well as the qualifications for federation membership have depended upon the organization and the contemporary concerns of the labor movement.

With its founding constitution (1886), the AFL established procedures for issuing charters, or certificates of affiliation, that endured with some modifications until 1955. The president granted charters, with the consent of the Executive Council (EC) to national, international, state and local bodies in order to affiliate them with the federation. This constitution also set forth guidelines for the establishment of Federal Labor Unions (FLUs). Any seven wage workers, who were also trade unionists but not members of any affiliate, could form an FLU. As long as the charter was endorsed by the nearest local or national affiliate, the AFL president could grant a charter to an FLU. If there were several local unions belonging to an international or national in any one city, they could form Trades Assemblies or Central Labor Unions (CLUs). In addition, the constitution specified that the state federations did not have the power to issue charters. The certificate fee for all affiliated bodies was set at \$5.

The actual charter was sent to the affiliated labor organization but the AFL retained ownership of it. If changes in the organization occurred, such as a name change, a merger with another organization, or cessation of affiliation, the AFL required the document be returned. New charters were issued when appropriate.

The Secretary of the AFL retained papers connected with issuing charters, including copies of these documents. Following the election of John McBride to the AFL presidency in 1894, August McCraith, secretary of the AFL, discarded many of the papers, including the charter files, generated during the early years of the organization.

Concerned with clearly defining trade jurisdictions of individual unions, the AFL took steps to define procedures for investigating jurisdictional claims with each application for a charter. In 1900, the constitution specified that no charter could be issued without a clear definition of trade jurisdiction and charged the Executive Council with the responsibility of examining the claims of national and international unions. CLUs investigated jurisdictional claims of local unions and FLUs and subsequently reported its approval or

disapproval of their applications for charters.

Without any amendments to the Constitution, the Executive Council surrendered its powers over charters in 1901 and gave the president the sole authority to approve charters. It is unclear exactly how long this procedure lasted, but by 1905 the consent of the Executive Council was again necessary to secure a charter. At the 1905 convention, the Steam Fitters' request that the convention directly issue them a charter was denied on the grounds that the president and Executive Council had the sole authority to issue charters.

The constitution does not state the procedure by which a union surrenders affiliation, and therefore its charter. During the 1911 convention, Samuel Gompers would not accept a charter from the president of the International Association of Car Workers and affirmed that a union must vote to surrender its charter.

The AFL constitution did provide for the revocation of charters. The 1907 constitution stated that the Executive Council could revoke a union's charter, and thereby terminate a union's affiliation with the AFL, upon the assent of 2/3 of the AFL members attending a regular or special convention.

The grounds for disaffiliation are unclear in the earlier constitutions, but beginning in 1935 the constitution stated that no organization officered or controlled by communists could be allowed representation in a state or local central body.

In 1940, the constitution provided that the Executive Council could suspend a union upon a majority vote of an AFL convention. If two or more nationals or internationals conspire to launch a dual organization rivaling the AFL, the Executive Council could hold a hearing. If guilty, the unions in question were suspended, but retained the right of appeal to the AFL convention. Suspended unions lost their representation at AFL conventions as well as within state federations and local bodies, but did not surrender their charters until the convention expelled these unions.

When adopted in 1938, the constitution of the Congress of Industrial Organizations (CIO) provided for the issuance of charters to its national and international unions, organizing committees, local industrial unions (LIUs), and industrial union councils (IUCs). The Executive Board issued charters to all of these CIO organizations. The constitution enumerated the Executive Board's particular responsibilities towards LIUs and IUCs. It issued rules of conduct for LIUs and combined them into national or international unions or organizing committees. The Executive Board determined whether an IUC should extend over a city, state, or other regional basis. Once an IUC was established, it was the responsibility of national and international unions, organizing committees, LIUs and local industrial union councils to join the IUC. Executive Board decisions concerning either LIUs or IUCs could be appealed at CIO Conventions. National and international unions as well as organizing committees could only be suspended or expelled upon a two-thirds vote at the convention.

Like AFL unions, the CIO sent its affiliates a charter but retained ownership of it. When changes in the organization occurred, such as a name change, a merger with another organization, or a cessation of affiliation, the union returned its charter and a new charter was issued if appropriate.

During the late 1940s and early 1950s, the CIO expelled many of its members for anticommunism and took steps to prevent members of the Communist party from infiltrating the CIO. Its 1950 Constitution reflected this concern. The Executive Board, with the consent of two-thirds of its members, was empowered to expel any national, international, or organizing committee whose members were committed to communism, fascism, or other totalitarian ideology. At the convention, members could appeal the board's decision. No similar action was taken by the AFL.

The first constitution (1955) of the merged AFL-CIO established guidelines for chartering labor organizations. All state, territorial, and local central bodies for the AFL and CIO were to merge within two years of the merger. The consolidation of these offices was relatively easy in comparison to the merger of national and international affiliates of the AFL and CIO.

This 1955 constitution recognized the AFL and CIO charters and the jurisdictions of the affiliated national and international unions. If there was no change in the organization of a union, charters were not re-issued. Because of similarities in jurisdiction, a number of AFL and CIO unions did merge at this time, and in these cases new charters were issued. In cases of jurisdictional disputes between former AFL and CIO unions, the constitution provided that the Executive Council (EC) and president seek voluntary agreements between the conflicting parties and merge the unions when necessary.

According to the founding constitution, the Executive Council issued charters or certificates of affiliation to organizations desiring to affiliate, but also provided that this power could then be delegated by the EC to the president. This document provided further that no charter could be issued if communists, fascists, or totalitarians controlled an organization or there was a jurisdictional conflict. If such a conflict were unresolved, an applicant could still be chartered with the written consent of the AFL-CIO unions involved. In these cases, however, unions were to be encouraged to seek voluntary agreement or merger.

No affiliated national or international union can have its charter revoked without a two-thirds majority vote or suspended without a majority vote at an AFL-CIO convention.

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