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Helena, MT

Tim Warren
Nelsonville, OH

October 5, 2023

JUDICIAL PANEL CASE NO. 23-044
Local 696 Election Protest

GREETINGS:

Enclosed is Judicial Panel member Michael DeMarco's decision in the above-referenced case.

In Solidarity,

Carla Insinga
Judicial Panel Chairperson

CI:spp

- cc: Lee Saunders, President
- Elissa McBride, Secretary-Treasurer
- Ernest Garrett, President District Council 33
- Jim Howell, Regional Director O&FS
- Maximus Weikel, AFSD
- J. Matthew Catron
- Evelyn Flint
- Sharon Thorpe
- Charles Payne, III
- Sterling Davis
- Anthony Dinkins
- Mark Weaver
- Nathaniel Brown
- Deanna Jones
- Fatina El
- Vanyell Smith
- Tori Rodgers
- Amirah Shephard
- Audrey Thomas
- Yvonne Lott

American Federation of State, County and Municipal Employees, AFL-CIO

Mary Kachline
Aurellia Harrell
Victor Collins
Jerome Brisbon
Hollis Crevelle
Tunisha Woodland
Tevan Jackson
Joycia Davis
Danielle Henderson
Denise Armstrong
Marlon Barclay
Shannon Ballou
Kazenski Hall
Keith Billie
Roxanne Huff-Gross
Sheryl David
Shelly Robinson
Stanley Bryson
Andre Fallen
Tara Gatewood
Darlene Booker-Jones
Tyrone Brooks

JUDICIAL PANEL CASE NO. 23-044
Local 696 Election Protest

This case results from a protest arising out of a rerun election of Officers, Executive Board Members, Trustees, Stewards and Delegates in Local 696. The Philadelphia, Pennsylvania, Departments of Finance and Library Employees Local 696 is affiliated with the Pennsylvania - Eastern Pennsylvania, Public Employees District Council 33, the Pennsylvania AFL-CIO, and the Philadelphia Council of the AFL-CIO.

The protest was filed by Sharon Thorpe, Mathew Catron, Evelyn Flint, Charles Payne III and Sterling Davis, members of Local 696 and unsuccessful candidates for the positions of President, Business Agent and Executive Board respectively in said election. A timely protest was filed with the Local Election Committee on July 31, 2023. After receiving an unsatisfactory response at the local level, members Sharon Thorpe, Mathew Catron, Evelyn Flint, Charles Payne III and Sterling Davis filed timely appeals with the Judicial Panel.

The Judicial Panel assumed jurisdiction over the protest on August 31, 2023. The case was assigned to Judicial Panel Member Michael DeMarco for investigation and decision. After giving due notice to all parties concerned, an investigative hearing on the protests was held virtually on September 12, 2023, via Zoom.

THE PROTEST

(See attached)

REPORT OF THE INVESTIGATING OFFICER

Each of the Protestants were candidates in the election which is the subject of this investigation: the slate known as "The Rabble Rousers" are the Protesting Parties, against the "Slate for a Better Union" (SBU) candidates. The Protestants submitted an election protest to the Local Election Committee and alleged the following violations. Each side made statements and submitted documentary evidence in support of their claims.

Protest Item 1: Error Announcing Campaign Event

Brother Catron asserts that a July 13, 2023, announcement on a workplace calendar for a July 14, 2023, SBU campaign event erroneously stated that the event would be a Human Resources (HR) meeting in the Montgomery Auditorium and said error gave members the false impression that attending this meeting was to provide information about HR matters, rather than a campaign event. He conceded that the mistake was made by someone else, but Brother Catron asserted that SBU had an obligation to correct it.

Brother Davis, the Local 696 Election Committee advisor, stated that a correction email was sent on July 14, 2023, in the morning from Sister Mary Kachline, shortly after the mistake was noticed. He explained that the original error was made by the library, not anyone from SBU.

There is no dispute that the SBU's use of the event space for a campaign event was proper. This investigation finds the error which caused the SBU's campaign event to be mislabeled as an HR event was attributable to someone else, further a corrective e-

mail was sent, and said error is not itself a violation of the AFSCME Elections Code. Protest Item 1 is dismissed.

Protest Item 2: Composition of Election Committee

Brother Catron stated that Bobby Davis, who was the former Local 696 President, is currently an employee of District Council 33. Brother Catron asserts that Brother Davis' role as advisor to the Election Committee is itself a violation because District Council staff cannot interfere with local elections, and he is not a Local 696 dues-paying member. At the hearing, Brother Davis responded that he only serves as an advisor to the Election Committee.

There is no provision in the AFSCME International Constitution or Local 696 Constitution that prohibits someone, even a retiree or a Council employee, from serving as an advisor to an election committee. In addition, Brother Davis clarified that he remains a dues-paying member of Local 696. Protest Item 2 is dismissed.

Protest Item 3: Improper Use of Union Resources in Campaigning

Sister Flint offered statements regarding the misuse of two web platforms: the SBU's website and the SBU's Facebook page. A review of the screenshots depicting the "www.sbu696.com" webpage and the "SBU" Facebook page submitted by the Protesting Parties establishes that the webpages were indeed used for campaign and union business purposes. Both locations contain a mix of electioneering and union business. Some of the confusion may have come from Facebook posts made by Michele Robinson, from the Philadelphia Municipal Workers United Facebook (PMWUF) page, who directed PMWUF page viewers as follows: "For news, information and updates

regarding local 696, please feel free to check our official Facebook page.” The included link was to the SBU 696 Facebook page. Even if Robinson was not part of the SBU slate, SBU is obligated to correct such errors.

After the June 8, 2023, Judicial Panel Decision ordering a rerun, there was a posting to the SBU Facebook page on July 9, 2023, featuring campaigning material, and another post from Michele Robinson, once again directing viewers to the SBU Facebook page for Local 696 updates. Furthermore, the “SBU696” website contained links to information about the Local 696 officers, the “S.B.U. Power Team,” a calendar of events, and information about general membership meetings.

Finally, a YouTube video of an SBU campaign piece from Brother Anthony Dinkins was filmed in Local 696’s office, wearing an SBU lapel pin. In the video, Brother Dinkins referred to himself as “president” rather than candidate. The YouTube video was posted to both the website and the Facebook page.

Brother Davis testified that no dues were used to maintain the website or the Facebook page.

The Protestants correctly underscore Appendix D, Section 1 of the AFSCME Constitution, which provides, “No funds or other resources of the Federation or of any subordinate body. . .shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body.” Although Local 696 is not required to use a specific website, and there is no prohibition against a local’s online presence on Facebook, what a slate or candidate cannot do is use campaign websites and mix campaign information with information regarding a local’s business, which is what

occurred here. The blurring of these lines would give a reasonable viewer the impression that the Local had endorsed one slate over the other. Additionally, it appears the SBU's Facebook page utilized the Local 696 logo as the site's profile picture and the District Council 33 logo as the site's cover picture. These logos are considered union resources of Local 696 and District Council 33 respectively, and per Appendix D, Section 1A of the International Constitution, cannot "be used to support the candidacy of any member for any elective office within the Federation or any subordinate body." The use of the union logos on the SBU's Facebook campaign site violates this provision. The Judicial Panel has long held that violations of this nature warrant a rerun of a Local election.

Lastly, the above-described campaign conduct exhibited in this rerun election is like what was exhibited in the original election which resulted in the need to conduct the rerun election that is the subject of this election protest. These violations undermine the right all members are guaranteed under the Bill of Rights for Union Members Paragraph 4: "Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified." The parties are advised that repeated improper campaign conduct that violates Appendix D and which results in continuous re-run elections, is detrimental to the Local's membership and its resources and could be a chargeable offense and subject to penalties provided for under Article X of the International Constitution. Protest Item 3 is upheld.

Protest Item 4: New Members Did Not Receive Ballots

The Protestants allege that there were at least eight new members who participated in a new-hire orientation on June 20, 2023, that were not given ballots. The Protestants cite Local 696 election rule number three as being violated, which states "Only members who have signed pledge card on file with District Council #33 by June 30, 2023, may vote." While the Protestants concede that the June 20, 2023, new-hire orientation was interrupted by an abrupt building closure, they assert the new members were given union cards to re-sign on June 28, 2023, and therefore these members should have received ballots.

At the hearing, Brother Davis stated mail elections require advance planning. Both slates were given the opportunity to visit AAA and the printer to verify the accuracy of the mailing list. Rabble Rousers did not avail themselves of that opportunity. The mailing list was sent to AAA from District Council 33, not SBU. Anyone who did not receive a ballot was directed to contact AAA for a ballot, who in turn, would contact District Council 33 to verify eligibility.

In further reviewing Brother Davis' statement regarding instances where members did not receive a ballot, Local 696 election rule number fifteen states "A member who wishes to vote but has not received a ballot by Friday July 7, 2023, must call AAA at 215-731-2280." It is unclear whether the eight new members who signed membership cards ahead of the June 30, 2023, cutoff date contacted AAA, but the rule in this instance is clear, in that the responsibility to contact AAA lay with the member who did not receive a ballot. Protest Item 4 is dismissed.

Protest Item 5: Endorsement From Main Line Health Account Manager

Brother Catron asserts that Brother Dinkins improperly solicited and obtained an endorsement letter from an account manager with "Main Line Health." The letter was posted to the website. Brother Catron's argument is that the endorsement constitutes a violation of the AFSCME Election Code's prohibitions on the use of union funds or resources, and "the use of funds or resources of any employer;" and publications that endorse a candidate which are sponsored by the union. In addition, the protest asserts said endorsement constitutes a violation of the provision of the Elections Code which grants nominees the right to one campaign mailing through the union office.

Brother Davis stated that this endorsement was not the result of any improper use of union dues or funds.

During the investigation it was established that Main Line Health is a healthcare service that union members may be referred to, and while not an employer of Local 696 members, Main Line Health as an organization, is an employer of those who work for it. Appendix D, Section 1D as noted above prohibits the use of "funds or resources of any employer. . . to support the candidacy of any member for any elective office within the Federation or any subordinate body;" the term "any employer" is different from "the employer" and is meant to be interpreted more broadly than the direct employer of the Local's members. The endorsement letter was printed on letterhead that prominently displayed Main Line Health's logo in the top left corner, which violates Appendix D, Section 1D because an employer's logo is a resource of the employer. The endorsement itself is also a violation of this provision because it was written by an agent of the

employer, which can reasonably be viewed as an endorsement that comes from the employer. Endorsements are a resource of the employer that was perceived as being a thing of value by the slate receiving the endorsement, and it is also presumably an attempt by Main Line Health to continue receiving referrals from the union if its endorsed candidate wins. The Judicial Panel has long held that violations of this nature warrant a rerun of a local election. Protest Item 5 is upheld.

Protest Item 6: The Local's Mailing List

Brother Catron asserts that the mailing list used by the Local's printing vendor was not the official updated list authorized by District Council 33, and instead the vendor used an outdated list, noting there was a fluctuation in membership totals in the lists utilized by the vendor from 1062 members to 1153 members. In addition, the protest asserts that SBU possessed the mailing list during the election because the slate is affiliated with the vendor through an arrangement established between Brother Davis and the vendor during Brother Davis' tenure as Local President.

Brother Davis maintained that the District Council 33 Secretary-Treasurer sent the mailing list to AAA and the vendor, not SBU.

The Protestants in their written protest cite Local 696 Election Rule 4, which states "Mailings can only be requested through the union office. A sample of what is being mailed out must be attached to the request. The committee has selected Strassheim Printing or Cheltenham Printing to process the mailings. The cost of the mailing is the responsibility of each candidate." Regarding the difference in membership totals, fluctuations in membership totals are not uncommon and, in this case, do not represent

a violation of the Elections Code. Regarding whether SBU possessed the Local's mailing list, statements made, and documentation submitted during this investigation do not support the conclusion that the SBU possessed the Local's mailing list. Protest Item 6 is dismissed.

Protest Item 7: Negative Campaign Materials

Brother Catron said that Sister Fatina El circulated an email to some Local 696 members with pictures taken from his Facebook page, some dating back to 2018, to suggest that Brother Catron was associated with the Ku Klux Klan or held other offensive views, such as sympathizing with Nazis, to harm Brother Catron's candidacy.

At the hearing, Sister El claimed that she was deeply offended by Brother Catron's postings.

A review of Brother Catron's postings shows that the reference to Nazi propaganda was not an endorsement of Nazism, but rather a discussion about a Nazi propaganda film and its connection to the making of the movie Star Wars. The photo depicting Brother Catron wearing a library bag on his head as a hat is not at all akin to a Ku Klux Klan hat. His other post was similarly tongue-in-cheek about the air quality in early June 2023, and not offensive commentary.

The email sent from Sister El to at least 60 other recipients is entitled, "SMH." It contains an image of Klan hood that was not part of Brother Catron's post set against a photo of Brother Catron wearing the bag on his head. The e-mail was sent without additional context.

One can only conclude that this was an intentional effort to malign Brother Catron. Union campaigns with competing slates are often passionate, but such distortions of a fellow union sibling are antithetical to the spirit of unionism. This is not a forum to seek redress for defamation, and it is unclear to what extent this may have impacted the election or violated an AFSCME rule. Protest Item 7 is dismissed.

DECISION

Protests Items 1, 2, 4, 6 and 7 are denied. Protest Items 3 and 5 are upheld. The election is to be rerun within 45 days of this decision.

October 5, 2023
Staten Island New York

Michael L. DeMarco
Judicial Panel Member
AFSCME, AFL-CIO

Original

1

Protest

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Opening Statement

On 7 June 2023 AFSCME Judicial Panel Member Denise Gilmore overturned the results of the 30 March 2023 election of AFSCME Local 696. In decision JPC 23-024, she wrote that,

“...over half of the protest items investigated by this officer were found to be valid protests and in violation of the International Constitution Elections Code and procedures set forth in the AFSCME Local Union Election Manual.”

During this second run of the election, members running under the Rabble Rousers slate have identified new, but similar protest issues we believe to be significant enough to impact the outcome of the election.

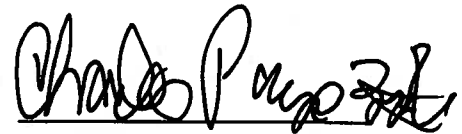
We hope you will agree with our assessment. Free and fair elections are the cornerstone of organized labor. This election committee has proven incapable of administering a free and fair election, and we request that it be disbanded. It is clear now that only AFSCME International has the knowledge and experience to correctly run an election. We request that a team from AFSCME International be dispatched to administer the 2023 election for Local 696.

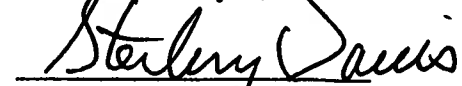
In solidarity,


Sharon Thorpe


J. Matthew Catron


Evelyn Flint


Charles Payne, III


Sterling Davis

Protest 1: Montgomery Auditorium

On 14 July 2023, members of the SBU slate reserved Montgomery Auditorium for a campaign event. Montgomery Auditorium is located at 1901 Vine St. Philadelphia, PA 19103. It is on the ground floor of Parkway Central Library, a Local 696 work location.

Parkway Central Library is free and open to the public. It is not improper for the SBU to use Montgomery Auditorium for a campaign event. It is, however, improper to list such an event as an "HR Meeting", which is precisely what happened.

On 13 July 2023 at 2:10pm, Local 696 Member Tony Leung, a Library employee, issued a daily calendar email, as he does every work day. In it, from 12pm-1:30pm, there is an event listed in Montgomery Auditorium as "HR Meeting." That email and the daily calendar are attached.

On 14 July 2023 at 10:28am, SBU Candidate Mary Kachline sent out an email to a blind-copied list of members. The email read in its entirety, "SBU will be in the Central Library Montgomery Auditorium today from 12:00-1:30 pm.

Mary"

That email is also attached at the end of this protest.

By listing the event as "HR Meeting", the SBU have misled the City and the Membership, falsely claiming that a campaign event for the SBU was an event hosted by the City of Philadelphia's Office of Human Resources, misleading members as to the nature of what transpired in Montgomery Auditorium on 14 July, 2023 from 12:00pm-1:30pm.

We assert that this protest is, by itself, enough to overturn the results of the July 2023 AFSCME Local 696 election. This is the second time this year that Mary Kachline has been caught inappropriately conflating work, union, and campaign issues.

Protest 2: Bobby Davis

On 30 March 2023 as a result of the first 2023 Local 696 Election, Bobby Davis (Robert Davis, Bobby C. Davis) stepped down as President of Local 696. Between that time and the 7 June 2023 overturning of the election, Mr. Davis was hired by District Council 33 as a Special Advisor to President Ernest Garrett.

On 26 June 2023, candidates received an email listing the names and positions of the Election Committee. Bobby Davis is listed in this email as an advisor.

Mr. Davis is unable to serve on any committee in Local 696. He is not an employee of the City of Philadelphia. He is not a dues-paying member of Local 696. This alone is enough to raise alarm, but as an employee of District Council 33, his position as an advisor to the Election Committee constitutes election interference on behalf of the Council.

District Councils are explicitly barred from handling issues related to Locals. There is a clear delineation between the two entities that has been breached by Mr. Davis' conduct. His involvement is a clear conflict of interest.

Anthony Dinkins, president of Local 696, is fully aware that Mr. Davis is retired, and that his term as President ended on 30 March 2023. Dinkins is responsible for the forming of the Election Committee, and thus invited this conflict of interest into Local 696. Council President Ernest Garrett is also complicit for allowing Council Staff, Bobby Davis, to interfere in a local matter.

Protest 3: SBU Website & SBU Facebook page

www.sbu696.com www.facebook.com/profile.php?id=100090289405280

This protest is regarding the misuse of official Local 696 resources by the SBU slate during their election campaigning across multiple online platforms. (Every parenthetical screenshot number in the text of this protest corresponds to the same numbered screenshot in the supporting documentation that follows this charge.)

The Facebook page in question (Screenshot 00) was created on February 26, 2023. It was named "SBU" (Screenshot 01), but advertised the official phone number and union hall address for Local 696 (Screenshot 02), while also categorizing the page as a "Labor Union" page instead of as an "election campaign" page, and then posting an SBU campaign flier as the pages cover photo (Screenshot 03). Over the course of both elections and the time in between them, this Facebook page posted both official business that only Local 696 officers would have access to post (Screenshots 04 & 05) and SBU campaign material (Screenshots 06-10), side by side with each other on this one same Facebook page, including a campaign video post from Aurellia Harrell, an SBU candidate (Screenshot 10). On March 31, instead of creating a new separate Facebook page for official Local 696 business, SBU just updated the profile photo (Screenshot 12) and cover photo (Screenshot 13) for this page to Local 696 and DC 33 logos respectively. On May 4 they posted a QR code link to the "@SBULOCAL696" instagram page (Screenshot 14). Then on July 9 they switched back to posting campaign material again, this time sharing a link to a campaign video (<https://youtu.be/COr2h1L5Lxs>) featuring President Anthony Dinkins campaigning for SBU while wearing a "VOTE SBU" lapel pin (Screenshot 15). On July 9, Michelle Robinson, a known SBU supporter, posted to Philadelphia Municipal Workers Facebook group with: "For news, information and updates regarding local 696 please feel free to check our official Facebook page," with a link to the Facebook page in question (Screenshot 16).

The Facebook page in question also directed members to www.sbu696.com (Screenshot 17), where the homepage named "Local 696" prominently featured that same Anthony Dinkins campaign video at the very top of the homepage (Screenshot 18). Other sections of this website were dedicated to official Local 696 business, like the "About the Officers," "Calendar of Events," "General Membership Meetings," and "Steward/Delegates" pages (Screenshot 19). On July 13, an Anonymous user posted the sbu696.com link to Philadelphia Municipal Workers Facebook group again (Screenshot 20), and when Matt Catron asked why sbu696.com went down between elections, Anonymous replied that there was "no need to have [the SBU website] up" in between elections (Screenshot 21). Then Evelyn Flint commented on Anonymous' PMW post asking if this was SBU "admitting that it's a campaign site instead of the 696 site that it's previously been advertised as" (Screenshot 22), and no one from either the SBU slate or the Local 696 officers ever denied it. On July 14 Anonymous commented that "If you noticed after the election it switched to the local's website," to which Matt Catron immediately replied with

the correction that “it went down after the election, and is being used for campaign purposes” (Screenshot 23). After the election re-run was completed the website was completely taken down again (Screenshot 24). The Facebook page remains up as of the writing of this protest (Screenshot 25), however 696 leadership is now blocking at least one member, Evelyn Flint, from viewing content and interacting with other members on the official Facebook page (Screenshot 26).

If SBU was using the official 696 website and Facebook page for SBU campaigning, then that is a violation of the ban on using official union resources for personal election campaigning. Specifically, this would be a violation of Appendix D, Section 1, Sub-section A, because SBU used “other resources” of the “subordinate body” to support the candidacy of all their SBU slate candidates “for any elective office.”

But if SBU was using these SBU campaign pages for official 696 business, then that is a violation of the ban on using the name of the local to conduct unauthorized business like election campaigning. Specifically, this misuse of resources is a violation of Article X, Section 2, Sub-section H, because SBU was “using the name of the Federation or of a subordinate body in an unauthorized manner or for an unauthorized purpose.”

Either way, we request an official investigation into this blatant conflation of official Local 696 official union resources and business with unofficial SBU campaign materials to determine exactly which constitutional mandate SBU violated with their internet presences during the election.

Protest 4: Union Card Submission

In AFSCME International Judicial Decision JPC 23-024, protest item 8 alleged that new members were unfairly denied their right to vote. Judicial Panel Member Denise Gilmore. At that time, we submitted insufficient evidence to prove our claim: Members who were hired by the City of Philadelphia between January and March were falsely documented as joining AFSCME on 23 March 2023, in spite of having signed union cards weeks or months earlier.

While those individuals have had their issues corrected, we have discovered the same behavior took place once again, this time with a group of new hires who went through union orientation with Mary Kachline, Mark Weaver, and Anthony Dinkins on 20 June 2023.

The election rules were explicit in their terms. Rule 3 states,

“Only members who have signed pledge card on file with District Council #33 by June 30, 2023 may vote.”

in no uncertain terms. We do not have access to the complete list of employees hired by the City of Philadelphia on 20 June 2023, but eight have come forward and offered their names. They are as follows:

Robbie Molinari
Kass (Grant) Gaffney
Thea Flurry
Scott Radway

Maya Robinson
Donna Hopkins
Anthony Silvestro
Matthew Ransom

These eight individuals approached Rabble Rouser candidates with questions regarding their right to vote, their status as union members, and most importantly of all, their healthcare benefits.

In the interest of fairness to Kachline, Weaver, and Dinkins, 20 June 2023 was a confusing day at that work location. The orientation in question was interrupted by a building emergency at Parkway Central Library. The building was abruptly closed during the new hire orientation. The eight members listed above reported that they were told their initial union cards were misplaced as a result of that confusion, and they were asked to re-sign on 28 June 2023.

None of them received ballots, or were even told about their eligibility to vote.

Protest 5: Endorsements

Candidate Anthony Dinkins solicited and received a written endorsement from Main Line Health, specifically Bernadette Banta, Account Manager at Mirmont Treatment Center (attached).

Page 10 of the Local Union Election Manual) states:

- 1. No union funds or resources, and no funds or resources of any employer, can be used in campaigning for union office.**
- 2. No publication of any kind which is sponsored by or supported by the union can make any endorsement or otherwise support any candidate for union office.**
- 3. Any member who has been nominated for office or who announces an intention to run for office has the right to one mailing to the membership made through the union office before the election. This mailing is not to be made at the union's expense.**

Protest 6: Mailing List

On 29 June 2023, Strassheim Graphic Design & Press, quoted via email the membership as 1062 and cited the cost for handling the campaign literature. 30 June 2023, after questioning the membership list and totals, I, Sharon Thorpe, received another email stating that they are now using the new mailing list that was used on the last union mailing. The membership is now cited at 1153.

Revised Election Rule #4. states: Mailings can only be requested through the union office. A sample of what is being mailed out must be attached to the request. The committee has selected Strassheim Printing or Cheltenham Printing to process the mailings. The cost of the mailings is the responsibility of each candidate. When I questioned Strassheim if they had received the membership mailing list from the Secretary-Treasurer of DC33, I was informed that they already had the list. During the Zoom meeting conducted on June 27, 2023 I was explicitly informed by Bobby Davis that the mail-out would follow the previous process, via the same printing agency, Strassheim.

According to the revised Election Committee Rules #5. States: At no time will a membership list in any form, be given to a Candidate or Slate. The SBU Slate, by their affiliation with Strassheim Printing, was provided with the membership list.

Strassheim is the company that oversees the printing and postal notification needs of Local 696. This arrangement was established under the administration of then-President Bobby Davis. They are also the same agency used during the March election.

Protest 7: Fatina El

Our final item of protest transcends election misconduct. It is so personal, so virulent, so egregious that in spite of the Judicial Panel's honorable commitment to resolving disputes between members without resort to courts and lawyers, we are consulting with external legal counsel.

Incumbent Treasurer Fatina El has executed a vile smear campaign against Candidate for Business Agent J. Matthew Catron. On 13 July 2023 at 5:00 PM, Treasurer El circulated an email to Local 696 workers in an attempt to imply that Mr. Catron is a member of the Ku Klux Klan.

The list of emails was not blind-copied, and contains two employer-owned email accounts. The email is attached below. The member who shared this with our team was so fearful of similar attacks from Treasurer El that they requested we redact their name from the record, and we have done so.

The email contains a photo of Mr. Catron from the year 2018, on a day when he found a tote bag branded with the Free Library of Philadelphia and put it on his head, as if it were a hat. It was a trivial, nonsensical event that was only worthy of documentation in its mild humor. The email then shows a photo of a red Klan hood on a mannequin, as if to imply that Mr. Catron was a member, or aspiring member, of one of the most repulsive hate groups in the history of the world. It also contains a Facebook post from 7 June 2023 where Mr. Catron used humor referencing the Lord of the Rings to comment on the Air Quality Alerts being issued by the National Weather Service at that time. The full text of the post is attached, but as it is still public, and will remain public, we are attaching a link for your digital convenience.

<https://www.facebook.com/J.Matthew.Catron/posts/pfbid0Z6thNANa1qBGvtdh5SSbjSpwqZVAdYZUTTPNrM3narYrfZ4AtdAVBQdF3BJULC2gl>

As a component part of this smear campaign, a second photo and Facebook post from Mr. Catron is also circulating, from around the same time. We do not know if Fatina El sent out these messages, as the AFSCME member who submitted them to Vice Presidential Candidate Deanna Jones also asked not to be named. The photo will be attached below, and we are submitting a direct link as well. Mr. Catron has chosen to let the post remain public, as it can not be interpreted as anything other than historical critique by a reasonable party.

<https://www.facebook.com/J.Matthew.Catron/posts/pfbid02CsrcXg2kNS7awugX5CZxcFK7PwEXr7POOFXsb1vUU5AdPuxgPv3VCfnp466P8jdvl>

The photo that has circulated crops the caption of the photo, showing only the DVD cover of "Triumph of the Will" in Mr. Catron's hand, a Nazi propaganda film cataloged and circulated by the Free Library of Philadelphia. The caption depicts a conversation between Mr. Catron and an unnamed coworker about the contents of the film, and specifically how it impacted the making of 1977's Star Wars.

The post, the photo, and the comments below them condemn fascism and racism in all its forms.

We do not feel that it is necessary to explain to the Judicial Panel the potential harm caused to Mr. Catron's reputation, his physical wellbeing, or his future employment prospects. Treasurer El's conduct is libelous. It is defamation of character.

Fatima El was one of the reasons that Judicial Panel Member Denise Gilmore specifically cited in her overturning of the first Local 696 election in case JPC 23-024. El has demonstrated that she is unable or unwilling to disengage from such inappropriate conduct- indeed, the behavior described here is significantly worse than what was condemned in Gilmore's June 7 decision.

In addition to this election protest, we will file charges against Treasurer El for her conduct, and Mr. Catron is currently consulting with legal counsel.