

**CONSTITUTION
and
BY-LAWS**

**INTERNATIONAL
LONGSHOREMEN'S
ASSOCIATION
LOCAL 1588
AFL-CIO**

**550 Kennedy Boulevard
Bayonne, NJ 07002
201-437-3452
www.ila1588.org**

Includes amendments pursuant to the 1992 Consent Decree, the revisions of August, 1995, the amendment of September 10, 2002, and the amendments adopted March 13, 2006.

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CONSTITUTION

The Constitution of the International Longshoremen's Association of the AFL-CIO, as adopted and amended at the 51st Convention, held in San Juan, Puerto Rico, July 21-24, 2003 shall govern and control Local 1588 of the International Longshoremen's Association.

MISSION STATEMENT

With a commitment to the highest standards of membership service, Local 1588 will ensure the opportunity for employment at quality of life wages; in a safe and healthy environment; enhance its workforce and labor market activities; stimulate its economic growth; promote labor and management harmony; and administer income support services to the employed, unemployed, and disabled.

It is understood that references herein to the male gender, such as "he" or "him" are for the purposes of brevity only and shall be understood to include the corresponding terms "she" and "her".

BY-LAWS

ARTICLE I OFFICERS

Section 1. The officers of this Local shall consist of President; Secretary-Treasurer; Recording Secretary; Vice President, Deep Sea Division; Vice President, Warehouse Division; and three (3) Trustees.

Section 2. The term of office for all officers of this Local shall be three (3) years. In the month of November of the third year of the term, at least thirty (30) days prior to the regular meeting held in December, the Recording-Secretary shall notify the membership by mail that nominations of the officers for the coming term will be taken at the regular quarterly meeting in December. The election shall be held at a stated time at least (15) days after the nominations.

Section 3.

(a) The Executive Board shall consist of five (5) members: President; Secretary-Treasurer; Recording Secretary; Vice President Deep Sea Division; Vice President, Warehouse Division.

(b) The President, Secretary-Treasurer, and Recording Secretary shall be elected by the membership at large. Vice President, Deep Sea Division and Vice President, Warehouse Division shall be elected by their respective divisions.

Section 4. No member shall be eligible for office unless he has been a member in good standing for at least two years.

Section 5. The election of any officer shall be decided by a plurality vote of the members voting. Only members in good standing shall be able to vote.

Section 6. Every officer shall perform the duties of his office until his successor is duly installed. Any officer refusing or neglecting to perform his duties shall have charges preferred against him.

Section 7. Every officer holding properties belonging to this Local must produce such properties belonging to this Local at each meeting of the Local. Any officer failing to comply may be fined by the Local for each offense.

ARTICLE II MEETINGS

Section 1. The regular meeting of this Local shall be held quarterly, in the months of March, June, September, and December. Special meetings may be called by the President, Secretary-Treasurer, or a majority of the Executive Board. The Secretary-Treasurer shall provide due notice to the membership of the meeting time and date.

Section 2. A quorum of (16) members in good standing shall be present at any meeting of this Local before any business can be transacted.

Section 3. When a special meeting is called, the Secretary-Treasurer shall send a proper notice thereof to every member giving at least twenty-four (24) hours notice of such meeting. No other business shall be transacted except that for which the meeting was called.

Section 4. Any member failing to behave with dignity and decorum shall be deemed in violation of order.

Article III
DUES AND INITIATION FEES

Section 1. The regular dues of the local shall be a 2.5% of wages, excluding container checks and other annual bonuses.

Section 2. The initiation fees for this Local shall be \$500 for the Warehouse Division and \$1000 for the Deep Sea Division. There will be a grace period of 1000 hours of work before prospective members must begin payments towards to their initiation fee. After 1000 hours, members must make a minimum payment of \$100/month until the fee is paid. The fee will be due on the first of the month following the month in which the 1000th hour is reached. If all other obligations of membership are met, members will be considered in good standing from the time of their first \$100 payment, as long as the payment schedule is kept to. Members may elect to begin payment of their initiation fee in any month before their 1000th hour is reached and such members will be in good standing from the time of their first payment as long as they keep to the schedule of \$100 per month thereafter. Any member who becomes thirty (30) days or more in arrears in making ini-

tiation fee payments shall be, upon notice, suspended from all rights and privileges of membership. Any member who is eighty (80) days or more in arrears in making these initiation fee payments shall be given written notice that failure to pay within ten (10) days shall mean automatic expulsion and upon failure to pay within ten (10) such days, he shall be automatically, and without further notice, expelled and dropped from the Local.

Section 3. The withdrawal card fee is \$50.00.

Section 4. Members who are out of work for one full calendar year will pay monthly dues of \$10 per month beginning in the month of the one year anniversary of their last work day, due on the first of the month. Members who are on workers compensation or disability are exempted from paying out of work dues.

Section 5. Retiree dues shall be \$50.00 per year. Retirees shall have all the rights and privileges of active members except that they shall not vote in elections for Officers or Shop Stewards, or in any contract ratification votes. Retiree dues will be due at the end of the calendar year following retirement and each anniversary thereafter.

Section 6. Any member who becomes thirty (30) days or more in arrears of their dues shall be, upon notice, suspended from all rights and privileges of membership. Any member who is eighty (80) days or more in arrears of dues shall be given written notice that failure to pay within ten (10) days shall mean automatic expulsion and upon failure to pay within such ten (10) days, he shall be automatically, and without further notice, expelled and dropped from the Local. No member who has filed proper dues check-off authorization forms shall have his union status negatively affected because of an employer's failure to remit dues to the Local unless the member has been given ninety (90) days notice.

ARTICLE IV MEMBERSHIP

Section 1. Every member of this Local shall obtain from the Secretary-Treasurer a union card stamped with the seal of this Local and a signature of the President or Secretary-Treasurer.

Section 2. Every member of this Local shall, upon request, obtain from the Secretary-Treasurer a copy of the Constitution and By-Laws of this Local.

Section 3. All members not required to have a Waterfront Pass will become part of 1588's Non-Deep Sea Unit. The Division or Unit is governed by the same rules and regulations of Local 1588's and the International's By-Laws.

**ARTICLE V
SHOP STEWARDS**

Section 1. Where there are (15) or more members on the job, the Local will hold elections for Shop Steward. The term of the steward will be three years. After 18 months of the term, if it is petitioned to do so by 30% of the unit represented by the Shop Steward, the Local will hold an election for the remainder of the term.

Section 2. Shop Stewards shall not be considered officers of the union. Stewards are empowered to investigate and present grievances in accordance with the provisions of their collective bargaining agreements.

Section 3. Shop Stewards shall be empowered to transmit messages and information which shall originate with and are authorized by the President or Secretary-Treasurer of the Local, provided such messages and information: (a) have been reduced to writing or (b) if not reduced to writing, are of routine nature and do not involve work stoppages, slow downs, refusal to handle goods, or any interference with the employer's business.

Section 4. Shop Steward or alternates have no authority to take strike action or any other action interrupting the employer's business, except as authorized by official action of the Executive Board of the Union in writing.

**ARTICLE VI
DISCIPLINE**

Section 1. Charges against a member, officer, or employee may be initiated by any member by filing written charges with the Secretary-Treasurer of this Local Union setting forth the offense, when and where committed, the names and addresses of any and all witnesses.

Section 2. The Secretary-Treasurer shall serve the accused, who shall have the right to be represented by any member in good standing with the ILA.

Section 3. Hearings on charges shall be held by the Executive Board of the Local, or by a committee appointed by such Board, to hear and report the evidence to it, provided that all decisions shall be made by such board. The accused shall be afforded a full and fair hearing and shall have the right to appear at such hearing, produce and cross-examine witnesses, file statements and be represented by any member of the ILA in good standing designated by him for that purpose. Decisions shall be rendered after the close of the hearing and shall be in writing. A copy thereof

shall be served by the Secretary of the body involved upon the accused or the accuser. In any case where the accused or the accuser is a member of the Executive Board, the accused or accuser shall not sit on such Board, and the remaining Board shall have the power to act.

Section 4. Appeals may be taken within thirty (30) days from any decision made under this Article.

(a) Of the Executive Board of the Local Union to a membership meeting of such Local Union, whose decision shall be made by a majority of those present and voting on the question;

(b) Of a membership meeting of the Local Union, to the District Council (if any) with which it is affiliated, or (if not affiliated with a District Council) to the District Organization;

(c) Of any District Council, Officer, or District Council Executive Board, to the District Organization, whose decision under this clause and under clause (c) shall be made by a majority of the delegates present and voting on the question at a meeting thereof;

(d) Of any District Organization or International Officer, or the International Executive Officers, to the Executive Council;

(e) Of the Executive Council to the Convention.

Section 5. The accused shall continue in all of his rights and privileges of membership until the case is decided by the Executive Board.

Section 6. The basis for charges against members, officers, or employees shall consist of, but not be limited to, the following:

1. Violation of any specific provision of the Local Union's Constitution and By-Laws, or rules of order, or failure to perform any of the duties specified thereunder;
2. Violation of the oath of office or of the oath of loyalty to the Local Union and/or International Union;
3. Breaching a fiduciary obligation owed to Local 1588 by any act;

4. Any attempt to prevent a member from exercising the rights provided to him or her under the Local Constitution and By-Laws, the International Constitution and By-Laws, and any applicable provision of the law;
5. Any other conduct which is in violation of the Local or International Constitution and By-Laws, and term of the 1992 consent decree.

**ARTICLE VII
DUTIES OF OFFICERS**

Section 1. Duties of the President.

- A.** It shall be the duty of the President to chair at membership meetings of this Local Union and to preserve order therein. He shall appoint all committees, subject to ratification by the Executive Board, and shall also have the right to serve on all committees by virtue of his office and in general shall perform all duties incident to the office of President and such other duties as may be assigned by the Local Union, Executive Board, or membership from time to time.
- B.** The President shall decide all questions of order subject to any appeal to the membership, if a valid objection has been taken by an interested member, which appeal shall be determined by a majority vote of the membership present and voting. The President shall cast the deciding vote when a tie occurs on any questions, shall announce the result of all votes, enforce all fines and penalties, and shall have the power to call special meetings.

- C.** The President shall be the principal executive officer of this organization. He shall, in general, supervise, conduct, and control all of the business and affairs of the Local Union, its officers, and its employees, and agents. He shall have charge and supervision of all officers and employees of the Local Union including elected Business Agents and Shop Stewards. He shall have the power, subject to ratification by the Executive Board, to appoint, suspend, or discharge all appointed Representatives, appointed Business Agents, assistant Business Agents, and Employees. He shall have the power to employ and discharge accountants, attorneys, and other professional advisors, subject to ratification by the Executive Board. The President shall also have charge of all labor controversies involving the Local Union.
- D.** The President in conjunction with the Secretary-Treasurer, shall have the authority to disburse or order the disbursement of all monies necessary to pay bills, obligations, and indebtedness of the Local Union, which have been properly incurred and provided herein.

He shall have the power to pay current operating expenses of the Local Union, including rents, utility and maintenance of the Union Hall, and salaries and expenses of officers and employees.

- E. The President shall have authority to interpret these By-Laws, and to decide all questions of law thereunder, between meetings of the Local Union Executive Board.

Section 4. Duties of the Recording Secretary

It shall be the function of the Recording Secretary to attend general membership meetings of the Local Union and the Local Union Executive Board and to keep minutes of the proceedings. He shall keep a record of the names of the members comprising each committee and handle all correspondence of the Local Union assigned by the President or authorized by membership resolution. In his absence, the President or Secretary-Treasurer shall appoint a member or members to act as Recording Secretary pro tempore who shall have the duties set forth above, but shall have no vote on the Executive Board. The President or Secretary-Treasurer shall appoint a member or

members to keep minutes of every meeting of the members involved.

Section 5. Duties of the Secretary-Treasurer

- A. The Secretary-Treasurer shall perform all the duties imposed upon Local Union Secretary-Treasurers by the International Constitution and these By-Laws and in general perform all duties incident to the office and such duties as from time to time may be assigned to him by the President, the Local Union Executive Board, or the members by resolution.

He shall see that all notices and reports shall be given in accordance with the provisions of the International Constitution and these By-Laws or as required by law. He shall make, at least annually, a report including the assets and liabilities of the Local Union and shall keep records showing the source of all monies received and spent and shall keep records, vouchers, work sheets, books and accounts and all resolutions to verify such report.

- B. The Secretary-Treasurer, upon request of any member, shall make available to the member a copy of the last annual report and shall also

make available for inspection by any members or members at the Local Union's principal office during regular business hours, any prior annual report, and any other document which is subject by statute to such inspection.

- C. The Secretary-Treasurer shall have custody of the Local Union seal and the records of the proceedings of all meetings of the Local Union and the Local Union Executive Board as prepared by the Recording Secretary or such person as is authorized to take records or minutes of such proceedings, and shall keep important documents, papers, correspondence as well as files on contracts and agreements with employers. Upon the request of any person in writing or made in person, the Secretary-Treasurer during regular hours at the principal office shall provide one (1) copy of the collective bargaining agreements made by the Local Union, by the International, or any other subordinate ILA body with the employers of such person, if the person making such request establishes that he is an employee directly affected by such agreement. The Secretary-Treasurer may require a receipt from such a person.

- D. The Secretary-Treasurer shall keep a correct amount of all monies owed to, paid to and paid out by the Local Union and shall provide receipts for any dues, initiation fees, or other fees, assessments or fines or other monies received. The Local Union Secretary-Treasurer shall enter all receipts in the name of the Local Union and shall deposit all monies in a bank account in the Local Union's name.

- E. The Secretary-Treasurer shall serve as President during the absence of the President.

Section 6. Duties of Trustees

The Trustees shall examine the financial books, records, and audits of the Union. Their reports must always be in writing. They shall see that the President, Secretary-Treasurer, and Acting Business Agents secure reliable bonds, copies of which must be sent to the International Office and see that the Secretary-Treasurer pays all bills authorized by the Local Union on drafts drawn and countersigned by the President.

They shall see that all monies are properly deposited in the bank to the credit of the Local Union. Upon discovering any irregularities, shall make a report of their findings at the next regular meeting. Failure to do so will result in a suspension.

Section 7. Duties of Business Agents

Business agents shall service the territory to which they are assigned by the President. They shall serve on all committees between Employers and the Local Union and shall use their best endeavors to adjust all grievances. They must make every effort to try and represent men in the craft who are not in the Local Union. It shall also be their duty to collect dues and initiation fees whenever possible, and turn same into the office of the Local Union at least once a week.

ARTICLE VIII OFFICERS-GENERALLY

A. All officers of this Local Union, when installed after election shall be required to take the following oath of obligation of office:

I,....., do most sincerely promise, upon my brotherly honor, that I will truly and faithfully perform the duties of my office in the best interests of the Local and its membership for the ensuing term as prescribed in the Constitution and By-Laws of this Union, and as an Officer of this Union will at all times endeavor both by counsel and example to promote harmony and preserve the dignity of its sessions. I further promise that at the close of my official term, I will promptly deliver any money or property of this Union in my possession to my successor in office.

B. The right to assume office or hold office or position in the Local Union, as distinguished from accrued or vested benefits shall never be deemed a property right but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under those By-Laws shall not be the basis for any personal liability against such officer.

C. All officers in the performance of their duties shall adhere to the terms of the International Constitution.

D. The President and Secretary-Treasurer of this Local Union shall be delegates to other subordinate bodies, Conventions of the ILA, and all other conventions by virtue of their office or elected position in accordance with applicable provisions of the International Constitution and Constitution and By-Laws of such other subordinate bodies including delegation to District Council. All other delegates to subordinate bodies, Conventions of the ILA, and other conventions to which the Local is entitled, shall be elected by secret ballot election at a regular or special meeting. Reasonable notice of the nomination shall be given to the members. Written notice of the election must be given to each member of the Local Union at least fifteen (15) days prior to such election by mailing such notice to each member at his last known home address.

E. The salaries of all elected officers and business agents shall be determined from time to time by the general membership at a membership meeting.

F. Severance pay shall be determined by the general membership at a membership meeting.

G. The President and/or Secretary-Treasurer may incur reasonable and appropriate expenses when engaged in activities in the interest of or for the benefit of the organization and its members within the scope of his authority. The labor organization shall pay the representative upon receipt of itemized vouchers from him or the suppliers of such services.

H. Automobile Allowance - The Local Union may provide its officers or employees with automobiles upon authorization of the membership, or in lieu thereof, they may be paid an allowance for use of their automobiles in such amount or at such rate as shall be approved by the Local Union Executive Board. In such instances, where the Local Union provides an automobile, the automobile will be property of the Local Union. All insurance and maintenance of the automobile will be paid for by the Local Union. It is recognized that such officers or employees are required to be on instant call at all time, may be required to garage such automobile, and are responsible for its safeguarding. Accordingly, for the convenience of the union, such officers and employees

shall be permitted private use of such automobiles on a round-the-clock continuous basis, including private use of such automobiles when the automobiles are not required on union business. The Secretary-Treasurer is empowered to sell, exchange, or lease automobiles or arrange financing thereof on behalf of the Local Union.

I. Allowances - Recognizing that the officers and representatives of this organization do not work regularly scheduled hours and receive no compensation for overtime or premium pay; also recognizing that such individuals are required to pay varying amounts for lodging and meals, depending upon the city to which they travel, which amounts are sometimes less but are often more than the allowances given them; and recognizing that they must participate in cultural, civic, legislative, political, fraternal, educational, charitable, social, and other activities, in addition to their specific duties as provided in the Constitution and these By-Laws; that such activities benefit the organization and its members and that the time spent in such activities is unpredictable and unascertainable, such officers and representatives may be granted an allowance (both in town and out of town work shall include

hotel and meal expenditures) in such amount (daily, weekly and monthly) as the Local Union Executive Board may determine. In addition to the allowances set forth above, all officers and employees may be reimbursed for, or credit provided for, all other expenses occurred in connection with their activities.

J. All Elected Union Officials (Executive Board) will be entitled to one (1) week's severance pay for each year worked and salaried after three (3) years and a day of service; and in addition after six (6) years and a day of service, two weeks severance for each year worked and salaried at Local 1588;

K. Any Elected Union Official (Executive Board) who is convicted of a crime involving or touching upon that Elected Union Official's duties shall forfeit their right to any severance pay from ILA Local 1588 as provided in Article VIII(I) of these By-Laws.

**ARTICLE IX
POWERS AND DUTIES OF THE LOCAL
UNION EXECUTIVE BOARD**

Between membership meetings the Executive Board is the highest authority of the Local Union. Except as otherwise provided in these By-laws, the Local Union Executive Board is authorized and empowered to manage, invest, expend, contribute, use, borrow, lend, and acquire Local Union funds and property in the pursuit of accomplishment of the objectives set forth in the Constitution of the International Union and these By-Laws and resolutions adopted in furtherance thereof. However, the Local Union Executive Board shall not have the authority to bind the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services by contract, agreement or otherwise beyond the expiration of the term of the Executive Board in office at the time such action is taken. The Local Union Executive Board, in addition to such other general powers conferred by these By-Laws, is hereby empowered to:

[1] Make and change rules and regulations not

inconsistent with these By-Laws or the International Constitution for the management and conduct of the affairs of this Local Union;

[2] Loan and borrow monies directly and indirectly for such purposes and with such security, if any, as it deems appropriate, and with such arrangement for repayment as it deems appropriate-all to the extent provided by law;

[3] Provide for the employment of clerical employees, attorneys, accountants, and such other special or expert services as may be required for the organization and secure and audit books of the organization by a certified public accountant at least once a year;

[4] Approve or reject all appointments of committees, representatives, staff, professionals, clericals and other employees made by the President; terminate appointments made by the President; reverse terminations made by the President;

[5] Call a special meeting of the Executive Board;

[6] Call a special meeting of the General Membership;

[7] On behalf of the Local Union, its officers, employees or members, initiate, defend, compromise, settle, arbitrate, or release or pay the expenses and cost of any legal proceedings or actions of any nature, if in its judgment it shall be necessary or desirable to protect, preserve, or advance the interest of the organization;

[8] Fill all vacancies in office which occur during the term of such office;

[9] Delegate when necessary any of the powers to any officer for specific and temporary purpose and on condition that the action of such officer or agent be ratified by the Local Union Executive Board. The Local Union Executive Board shall designate officers other than the President and Secretary-Treasurer for the purpose of signing checks to pay bills or to exercise any other functions of their officers in the event that either/both shall become ill or incapacitated;

[10] Lease, purchase, or otherwise acquire in any lawful manner for and on behalf of the organization any and all real estate of the organization any and all real estate or other property rights and privileges whatsoever deemed necessary for the prosecution of its affair, and which the organiza-

tion is authorized to acquire, at such price or consideration and generally on such terms and conditions as are reasonable and prudent, and at its discretion pay therefore, either wholly or partly, in money or otherwise. Specific authorization at a membership meeting shall be required for such expenditures excepting for routine expenditures not of a substantial nature;

[11] Sell or dispose of any real or personal estate, property rights, or privileges belonging to the organization whenever the Local Union's interest would thereby be promoted, subject to approval (except as to form) at a membership meeting;

[12] Create, issue, and make deeds, mortgages, trust agreements, contracts and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership, and do every other act or thing necessary to effectuate the same;

[13] Create trusts, the primary purpose of which is to provide benefits for the members or the beneficiaries, and terminate and effectuate the same, all subject to approval (except as to form) by the membership;

[14] Every member shall have equal rights to vote on agreements and strikes and composition of other membership meetings and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these By-Laws;

[15] Do all acts not expressly authorized herein which are necessary or proper in implementation of the above duties for the protection of the property of the Local Union and for the benefit of the organization and members.

ARTICLE X ELECTIONS

Section 1. Eligibility for office

All members in good standing for at least two years preceding the date of nominations are eligible for office, providing that they are working, or seeking work, at the trade or craft covered by the local for one year preceding the date of nomination or employed by the I.L.A. or any of its subdivisions for such year.

Section 2. Observers

Each candidate will be permitted to have one observer at a time per polling place. The rights of the observer shall include, but not be limited to, the right to inspect the ballot box in advance of the voting, to observe the ballot box at all times from the start of the vote until the counting has finished, and the right to raise with the election administrator a challenge to the eligibility of any voter.

Section 3. Candidate Campaign Mailings

Each candidate shall have the right to have campaign literature sent by the union, at the candidate's expense, to the last known postal address of the membership. Candidates also may have up

to five of their campaign emails forwarded by the Union to the Union's email list of members.

Within four days of the nominating meeting, candidates may submit one 8.5 x 11 piece of campaign literature which the Union shall send in an election packet at the Union's expense to the last known address of each member no less than seven (7) days before the election.

Candidates shall have the right once, thirty (30) days prior to the election, to inspect the mailing list of the local.

Section 4. Election Committee

Two months prior to nominations, an election committee of at least three members shall be established by the Executive Board. The committee shall have general responsibility for the conduct of the election in accordance with this Constitution and By-Laws. The committee will select or retain one or more people to supervise the balloting and election process. The election committee shall also report, as expeditiously as possible, the results of the balloting. No candidate for union office may be a member of the Election Committee.

Resolution of election challenges are subject to Article XX of the International Constitution.

In any case where there is only one nominee for office, such nominee shall be declared elected. In all other cases, election shall be by secret ballot.

Section 5. Balloting

Balloting shall be in person at a time or times such that each member is afforded a reasonable opportunity to vote.

Upon completion of the voting, the ballots shall be tabulated and the candidate for each office receiving the largest number of the votes cast for that office shall be declared elected.

All election records, including ballots, shall be retained for at least one year after the election.

Candidates may run as individuals or as slates. Candidates who wish to form slates may appear on the ballot in the same column as a slate under the chosen name of their slate.

Section 6. General

No funds of the Union shall be used to support the candidacy of any member for any elective

office.

No publication published by Local 1588 shall endorse or support any candidate for Local Union office.

No candidate shall be permitted to accept financial or other resources from an employer.

ARTICLE XI GENERAL PROVISIONS

All collective bargaining agreements and modifications thereof are subject to ratification by the covered membership.

The general membership is the highest authority of the Local Union.

ARTICLE XII AMENDMENTS

A. The Constitution and By-Laws of this Local Union may be amended only after the proposed amendment is submitted in writing and read at two (2) successive regular meetings. A two-thirds (2/3) vote of those members present and voting at the appropriate regular meeting shall be required to effectuate a constitutional amendment.

B. A motion to amend a new amendment will not be permitted until the anniversary of said amendment, or by Presidential Decree or by Executive Board Proclamation.