

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: JOHN F. ANDERSON,)	Protest Decision 2001 EAD 295
)	Issued: April 3, 2001
Protestor.)	OEA Case No. PR033011WE
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)	

Local 313 member and delegate candidate John Anderson filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“*Rules*”). Anderson alleges that IBT General President James P. Hoffa violated the *Rules* by using his title in an endorsement of a slate running in Local 313’s delegate election.

Election Administrator representative Jason Weidenfeld investigated the protest.

Findings of Fact

On March 30, 2001, Anderson saw a flier headed, “IBT General President James Hoffa Proudly Endorses the... 313 Unity Slate.” As the heading indicates, the flyer is Hoffa’s endorsement of the Unity slate in Local 313’s delegate election. The message clearly comes from Hoffa, even though part of the flyer asserts the accomplishments of the IBT since Hoffa became president. The flyer reiterates this fact, noting that the reference to Hoffa as General President is “for identification purposes only.” In the last paragraph of text, Hoffa repeats his request for members to vote for the Unity slate.

Analysis

Article VII, Section 11(b) of the *Rules* makes clear that an endorsement may be made by a union officer, but only in the officer’s “individual capacity.”¹ The Election Officer in *Moriarty*, P1071 (November 15, 1991), found no violation when a letter contained endorsements from every member of the local union executive board, each board member’s name and title, and a statement that “the members” of the board unanimously endorsed a certain slate. The Election Officer explained, “[T]he *Rules* do not prohibit the members of an Executive Board from identifying themselves as such when [endorsing] candidates; as long as the endorsement is not made as an official endorsement of the Executive Board as an entity, but as individual endorsements by the members of the Executive Board, the *Rules* are not violated.”

We do not find a violation of the *Rules*. As an individual, General President Hoffa has the same right as any other member to campaign and to support candidates. Like the respondents in *Moriarty*, we find that he has supported the endorsed slate here solely in his individual

¹ A “campaign contribution” includes “[a]n endorsement or counter-endorsement by an individual, group of individuals, or entity.” *Rules*, Definitions, 5(f).

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capacity. We do not find, nor has it been alleged, that his endorsement purported to reflect the views of the IBT, the General Executive Board, or any institution.

Accordingly, we DENY the protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
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