

IN RE:  
LEEDHAM SLATE

01 - Elec. App. – 084(KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 394, issued June 23, 2001. The hearing was requested by Susan Boyle, Esq. of Baptiste and Wilder, P.C., on behalf of Teamsters Local Union 391 in Greensboro, North Carolina.

A hearing was held before me on July 10, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Ms. Boyle; Jack Cipriani, president of Local Union 391; and Betty Grdina, Esq. of Yablonski Both & Edelman, on behalf of the Tom Leedham Rank & File Power Slate (the “Leedham Slate”). An additional submission was received from Ms. Boyle on July 6, 2001 (the “Boyle Submission”).

This protest concerned an article published in the April/May issue of a Local Union 391-financed publication called the “Voice of Teamsters Local 391” (the “Voice”). The article, titled “Cipriani-Hoffa Team 391 Blanks Opponent; Sweeps Delegate Vote 76%-24%”, reported on the outcome of Local Union 391’s delegate election held in March, 2001. The Leedham Slate alleged that the article violated the Rules because it was not “purely factual... has an intemperate tone and includes lavish praise of Hoffa-Cipriani.” (See, Page 1, 2001 EAD 394 (June 23, 2001))<sup>1</sup>. The EA granted the protest, finding the article “crossed the line” between

---

<sup>1</sup> During the appeal argument, Ms. Boyle argued that the protest was “unreasonably” untimely because it was filed some fifty days after the issues’ April 20, 2001 publication. However, the EA found, as a finding of fact, that the Leedham slate could not have reasonably been aware of the publication before June 7, 2001 when it was anonymously faxed to them. The EA stated that since there were no Leedham slate members on the Local Union 391 mailing list, without the faxed article arriving “unbidden in the fax tray of the Leedham campaign” the Leedham Slate would not have been aware of its publication. Having considered the

printing a legitimate news article and campaigning on behalf of a candidate, a violation of Article VII, Section 8(a)(5) of the Rules. In support of his finding of a Rules violation, the EA cited to the articles' use of the words "waste", "bankrupt", and bloated", among others, and to its timing, two months before the International Convention. As a remedy, the EA ordered Local Union 391 to publish an article from the Leedham Slate of equivalent length and to place the article in the same location as the offending article.

Ms. Boyle, on behalf of Local Union 391, argues that the article did no more than factually report a newsworthy event - the outcome of the Local Union 391 delegate election - and its reference to the elected delegates' objectives - to "keep the national union on a path to fiscal health...was a continuation of the reporting on this newsworthy issue of importance to the members of Local [Union] 391. ..." (See Page 4, Boyle Submission).

I am persuaded by the argument made during the hearing by Mr. Ellison on behalf of the EA. The article in question does not solely report objective facts, but folds in a substantial component of editorial politics, and specifically and gratuitously opines that the victory came about because of the winners' platform. Indeed, the article reads like a campaign leaflet, or a love letter to the victorious party, rather than an evenly balanced reporting of the election results.

Accordingly, I affirm the EA's decision in this matter in all respects.

\_\_\_\_s/Kenneth Conboy\_\_\_\_\_  
Kenneth Conboy  
Election Appeals Master

Dated: July 13, 2001

---

timeliness argument put forth by Ms. Boyle, I concur with the EA's factual finding and uphold his decision to decide this matter on the merits.