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Michael H Holland
Election Officer

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October 10, 1990

Mr Louis D Riga
Secretary-Treasurer
IBT Local Union 576
1510 Park Avenue
Suite 100
San Jose, California 95126-2120

Re: Your Protest of October 1, 1990 (P-009-Int.)

Dear Mr Riga

This will acknowledge receipt on October 4, 1990, of the above-referenced pre-election protest filed under Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election* ("*Rules*")

The *Rules* prohibit, in accordance with the March 14, 1989 Consent Order, candidates for International office from accepting or utilizing campaign contributions from employers, employer representatives, foundations, trusts, or similar entities (*Rules*, Article X, § 1) However, as required by substantive law, see, U.S.W.A v. Sadlowski, 457 U S 102 (1982), the *Rules* permit such otherwise prohibited contributions to provide legal and accounting services performed in assuring compliance with applicable election laws, rules, or other requirements or in securing, defending, or clarifying legal rights of candidates (*Rules*, Definitions (6))

Campaign contributions may be sought and utilized from any IBT member or any non-IBT member who is not an employer (*Rules*, Article X, § 1(b)(5)) Groups or caucuses of IBT members, if not financed by employers, foundations, trusts, or similar entities, are specifically permitted to provide campaign support, including making monetary contributions to candidates (*Rules*, Article X, § 1(b)(5))

Article XI, § 1(c) of the *Rules* requires a complainant or protester to present evidence that a *Rules* violation has occurred In your protest, you state that you were informed in 1981 by an IBT Officer that, at that time, TDU had obtained and utilized foundation contributions for legal expenses Even assuming that evidence of that which occurred in 1981 would be relevant, use of foundation funds for legal expenses does not, as explained above, constitute a violation of the *Rules*

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You also appear to suggest in your protest that TDU includes and receives contributions from non-IBT members. However, as also pointed out above, receipt and use of contributions from non-IBT members does not violate the *Rules* as long as such contributors are not employers.

Based on the foregoing, I find that you have presented no evidence that a violation of the *Rules* has occurred, and I am therefore dismissing your protest. In the future, if you obtain evidence of a violation of the campaign contribution rules by Mr Carey or any other candidate, I urge you to file a new protest.

If you are not satisfied with this determination, you may request a hearing before the Administrator within twenty-four (24) hours of your receipt of this letter. Such request shall be made in writing, and served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, facsimile 201-622-6693, with a copy to the Election Officer (at the address and facsimile number listed above) and all persons and entities whose names and addresses appear below.

Very truly yours,


Michael H Holland

MHH/kpm

cc Ron Carey Campaign
Post Office Box 4447
Charleston, West Virginia 25364
Facsimile 304-342-8348

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