

***PRE-ELECTION  
PROTEST  
DECISIONS***

***ELECTION OFFICE CASE NOS.***

***P-1101-JC25-CHI to P-1130-LU135-SCE***

***VOLUME XXVII***

***Michael H. Holland  
Election Officer  
June 1992***

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November 22, 1991

**VIA UPS OVERNIGHT**

Robert McGinnis  
6319 S. Lavergne  
Chicago, IL 60638

Daniel C. Ligurotis  
President  
IBT Joint Council 25  
300 S. Ashland Avenue  
Room 206  
Chicago, IL 60607

**Re: Election Office Case No. P-1101-JC25-CHI**

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Robert McGinnis. In his protest, Mr. McGinnis alleges that he was prevented from posting campaign literature at the offices of Joint Council 25 and several IBT Local Unions located at 300 South Ashland Avenue in Chicago. This protest was investigated by Adjunct Regional Coordinator Deborah Schaaf.

Mr. McGinnis alleges that he attempted to paste a Ron Carey bumper sticker on the wall of the office of IBT Local 705 located on the fifth floor of the building, but Tim Cash ripped it off and told him to leave the building. McGinnis stated that he then asked Cash if he was going to get shot in the back of the head.

Mr. Cash, a Trustee of IBT Local 705 and an assistant to Local 705 President Daniel Ligurotis, acknowledges that he encountered Mr. McGinnis on the fifth floor of the building putting a Carey bumper sticker on the wall. Cash says that he asked McGinnis not to paste it on the wall, but instead to either tape it on the wall or to paste it on the marble next to the elevator. The reason for this request is the difficulty in removing bumper stickers pasted to the drywall and the damage to the painted wall from the paste. According to Cash, McGinnis nevertheless proceeded to paste the bumper sticker to the wall and stated to Cash, "What are you going to do, shoot me in the back

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of the head?" Because of the offensive nature of this comment,<sup>1</sup> Cash asked McGinnis to leave. Cash then removed the bumper sticker from the wall.

Cash further stated that there are many campaign signs posted throughout the building, including signs supporting the R. V. Durham Unity Team as well the Shea-Ligurotis Action Team. He stated that Mr. McGinnis would be permitted to post Carey literature so long as he did not paste bumper stickers or other campaign materials on the wall; the materials should either be taped to the wall or posted on marble surfaces in the building. He added that he observed Mr. McGinnis posting a Carey sign in the first floor of the building after McGinnis left the fifth floor; Cash had no objection to this posting.

While Mr. McGinnis contends that the sign he posted on the first floor was removed shortly thereafter, he had no evidence, and the investigation uncovered no evidence, of the identity of the person who removed the sign or the reason for its removal. Further, the Unions housed at 300 South Ashland readily agreed -- and have affirmatively stated -- that McGinnis and other IBT members may post campaign materials, including campaign materials for Ron Carey and his slate, in the building, provided only that the materials are not pasted to the walls. The Election Officer further cautions Joint Council 25 and the Locals having offices at 300 South Ashland that a pattern of removal of campaign literature supporting a particular candidate or slate of candidates -- especially when literature for opposing candidates remain unmolested -- may lead to the imposition of remedial action even if the identity of the person(s) removing the literature is not uncovered.

The Adjunct Regional Coordinator interviewed both Mr. McGinnis and Mr. Cash. To the extent that there is a factual dispute concerning what occurred in this incident, the Election Officer credits Mr. Cash's recollection. Regardless of any factual dispute, it is clear that Local 705 will permit Mr. McGinnis and IBT members to post campaign literature in the Union building and has done so previously; the sole restriction, that bumper stickers and other material not be pasted to the wall, is reasonable. Mr. McGinnis admittedly pasted a Carey bumper sticker to the wall, contrary to this reasonable restriction. In view of these circumstances, the Election Officer concludes that there has been no violation of the *Rules* in this situation and denies the protest.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances,

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<sup>1</sup> The fact that Local 705 President Daniel Ligurotis recently shot his son in the back of the head has been widely reported in the media. Trustee Cash believed McGinnis's comment to be in very poor taste.

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no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,  
  
Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Julie E. Hamos, Regional Coordinator

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