

OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

January 9, 1991

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VIA UPS OVERNIGHT

Richard Kraft
4432 176th S.W. #4
Lynnwood, WA 98037

Allen McNaughton
Secretary-Treasurer
IBT Local Union 174
553 John Street
Seattle, WA 98109

Douglas Frechin
7515 181st Place, SW
Edwards, WA 98020

Rod Schmidt
IBT Local Union 174
553 John Street
Seattle, WA 98109

Re: Election Office Case No. P-137-LU174-PNW

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the Rules for the IBT International union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In his protest the complainant, Richard Kraft, alleges that his rights under the Election Rules were violated by Rod Schmidt, a Trustee of Local Union 174 and Allen McNaughton, the Secretary-Treasurer of the Local Union. Specifically, Mr. Kraft alleges that both Schmidt and McNaughton stated that he did not have a right to pass out campaign literature inside the union hall. In addition, Kraft alleges that Schmidt violated the Election Rules when he grabbed his arm and told him that he was going to throw him out of the building unless he stopped handing out literature. The Election Officer's investigation revealed the following.

The incident in question occurred on December 13, 1990 at the Joint Council 28 building which is also used by Local Union 174. Richard Kraft and Doug Frechin were at the hall to distribute Teamsters For a Democratic Union ("TDU") and delegate campaign literature before the Local Union 174 monthly meeting. They were told by Schmidt and McNaughton to stop distributing campaign literature inside the union hall.

The allegations with respect to the distribution of campaign literature at issue in this protest are identical to the allegations raised in another case involving Kraft and Frechin, P-097-LU174-PNW. In his decision in that protest, also issued today,


the Election Officer held that the complainant does not have the right to distribute campaign literature and solicit signatures on campaign petitions inside of the Council 28 building. The Election Officer finds that the same holding is appropriate here. On the facts of this case and for the reasons stated in his decision in P-097-LU174-PNW, the Election Officer finds that the complainant has no right under the Election Rules to pass out campaign literature inside the Joint Council 28 building.

Kraft also alleges that Schmidt grabbed his arm and threatened to throw him out of the building unless he stopped his distribution of literature. The Election Officer finds that Schmidt made no attempt to forcibly remove Kraft from the building and removed his hand from Kraft's arm after a few moments. Kraft and Frechin continued to pass out literature after the confrontation with Schmidt and voluntarily left after the start of the meeting.

While the Election Officer reiterates his strong opposition to physical contact of any kind in a campaign related dispute, he does not feel that the conduct at issue here constituted a violation of the Election Rules. Moreover, now that the rights of IBT members to distribute literature, solicit signatures on campaign petitions and to engage in other campaign activities inside the Council 28 building have been clarified, the conduct at issue in this protest, and in P-097-LU174-PNW, should not be repeated.

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, 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
Election Officer

cc: Frederick B. Lacey, Independent Administrator, IBT
Christine M. Mrak, Regional Coordinator