

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

August 19, 1991

VIA UPS OVERNIGHT

Ron Carey
c/o Susan Davis, Esq.
330 West 42nd St.
New York, NY 10036

Walter Shea
c/o Robert Baptiste
1919 Pennsylvania Ave., NW
Suite 505
Washington, DC 20006

R. V. Durham
Beins, Axelrod, Osbourne
& Mooney
2033 K St., NW
Suite 300
Washington, DC 20006-1002

Michael J. Riley
President
IBT Joint Council 42
1616 W. Ninth St., Room 500
Los Angeles, CA 90015

Re: Election Office Case No. P-850-JC42-CLA

Gentlemen and Ms. Davis:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") on behalf of Ron Carey, a nominated candidate for General President of the IBT. The protest contends that Joint Council 42 violated the *Rules* by failing to invite General President candidate Carey and General President candidate Walter Shea to address the same Joint Council meeting at which General President candidate R. V. Durham made a campaign speech.

Joint Council 42 determined to invite all three nominated General President candidates, none of whom are members of the Joint Council, to address a Joint Council delegates meeting. The Joint Council's plan was to have each candidate appear at a different meeting. The Joint Council states that its reason for determining to have each nominated candidate address the delegates at a separate meeting was in order to provide adequate time for each nominated General President candidate to relate his campaign message. Three speeches at any one meeting - unless so short as not to be meaningful - creates a real possibility of inattention and restlessness during the meeting.

The Election Officer approves of a policy - as adopted by Joint Council 42 - which permits sufficient time for each nominated candidate to be able to fully explain his or her campaign issues and platform. Under these circumstances, the Election Officer concludes that it is not a violation of the *Rules* for a Union entity to schedule candidates' appearances for different meetings as long as all candidates for the particular International Union officer position are invited to appear at some meeting prior to the date of the International Union officer election or, assuming the 1991 International Union Election Plan heretofore submitted by the Independent Administrator to the United States District Court for the Southern District of New York is approved, prior to the date the ballots for the 1991 International Union officer election are mailed.

Commencing on or about July 23, 1991 Joint Council 42 attempted to contact all nominated candidates for General President to invite them to attend a Joint Council 42 delegates meeting "either at the regular meeting on October 4th, 1991 or a specially called meeting, again, at a mutual convenience". Mr. Durham attended a specially called Joint Council 42 delegates meeting on August 2, 1991 at 8:00 p.m. Mr. Shea has also made arrangements to address a Joint Council delegates meeting.

The protest notes that Mr. Durham addressed the delegates to Joint Council on a date when he was otherwise in the Southern California area for legitimate Union business, i.e. attendance at a General Executive Board meeting. The costs of his transportation to and from California were thus paid, and paid appropriately, by the International Union. The protest contends that the two other nominated General President candidates are thus placed at a disadvantage because they will have to spend campaign resources to travel to Southern California to speak to the Joint Council 42 delegates.

The invitation extended by Joint Council 42 to nominated General President candidates Carey and Shea does not, however, set a specific date for them or either of them to address the Joint Council 42 delegates. Rather the invitation notes that Joint Council 42 is prepared to call a special meeting at a date mutually convenient to the candidate and the Joint Council. Accordingly both Messrs. Carey and Shea will be able to arrange to address the Joint Council at a time when they would otherwise be in Southern California on either other Union business or for campaign purposes. Neither will have to expend additional campaign resources for travel to Southern California in order to take advantage of the invitations extended to them.

Further, it should be noted that Mr. Carey is not a member of the General Executive Board and did not attend the General Executive Board meeting in San Diego, California at Union expense. Even if Mr. Carey had been invited to address the August 2, 1991 Joint Council meeting, he would have had to pay for his own travel costs. The expenses attendant to addressing the Joint Council 42 delegates meeting and the source of such expenses remain the same for Mr. Carey regardless of the date of the meeting.

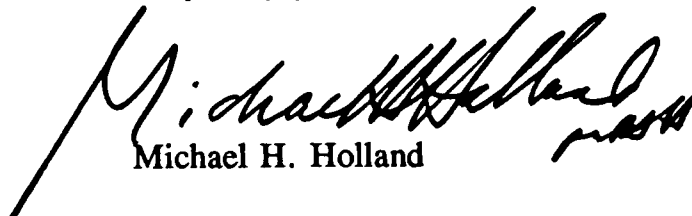
The protest also contends that the attendance at the meetings which are addressed by Mr. Carey and Mr. Shea "will be negligible" in comparison to the attendance at the meeting during which Mr. Durham spoke. This contention is of course purely speculative. Joint Council 42, when notifying its delegates of the date of the meeting at which Mr. Durham spoke and the fact that similar invitations had been proffered to Messrs. Carey and Shea, specifically stated: "In the competitive spirit of the democratic process, we urge you, your delegates, business agents and staff to be in attendance at this and future meetings." The Joint Council also will arrange for a luncheon on the dates on which Messrs. Carey and Shea speak, as it did on August 2, 1991 when Mr. Durham addressed the Joint Council delegates. Further it should be noted that neither the Joint Council nor any other Union entity can force members to attend any meeting, including a meeting at which candidates speak, or prevent such members who are otherwise in attendance at the meeting from leaving when a particular candidate speaks.

In accordance with the foregoing, this protest is DENIED.

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.

Ron Carey
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Very truly yours,


Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator (For Information Only)
Barbara J. Hillman, Esquire