

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

Michael H. Holland
Election Officer

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September 9, 1991

VIA UPS OVERNIGHT

William R. Milton
702 Hillside Dr.
Wetumpka, AL 36092

Don L. West
President
IBT Local Union 612
50 Bagby Drive
Birmingham, AL 35219

Don West, Jr.
Business Agent
IBT Local Union 612
50 Bagby Drive
Birmingham, AL 35219

Aaron Belk
6502 Poplar Corner
Walls, MS 38680

Re: Election Office Case No. P-860-LU612-SEC

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by William R. Milton, a member of Local Union 612. Mr. Milton contends that Don West, Jr., a Business Agent for Local Union 612, improperly conducted surveillance of a campaign meeting on behalf of Ron Carey, nominated candidate for General President of the IBT and other candidates on his slate. This protest was investigated by Regional Coordinator Donald H. Williams.

The investigation revealed that a Carey campaign meeting, had been held on August 3, 1991 at Shoney's Restaurant in Clanton, Alabama. The meeting had been openly and widely advertized prior to that date. Fliers were distributed to Local 612 members, placed in members' work lockers, placed in non-work areas of employer facilities and the like. No effort was made to restrict the attendance at the meeting to particular Local 612 members or to members supporting Mr. Carey and the other members of his slate. The meeting was an open meeting and all IBT members were invited to attend. Indeed the organizer of the meeting stated that Mr. West himself, an open supporter of the Durham Unity Team on which his father is a candidate, would have been free to attend the meeting.

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The meeting as indicated above occurred on August 3, 1991. No attendance was taken at the meeting. The identity of the members attending was not fully known to all attendees; three members wearing caps with insignia of the Jones Freight Lines who attended the meeting were apparently unknown to all of the other members in attendance. At no time during the meeting were any members asked to leave; at no time during the meeting was there any suggestion that the meeting was other than an open meeting to which all members of the IBT were entitled to participate. No one stated that the subject matter of the meeting was secret or that the contents of the discussion were not to be revealed.

Mr. West admits that subsequent to the meeting he had a conversation with Mr. Milton during which the subject of the Clanton, Alabama meeting was raised. Mr. West agrees that he told Mr. Milton during that conversation that there were only handful of people at the August 3, 1991 campaign meeting. Mr. West states that he obtained such information from the Jones Freight members who attended the meeting but denies that the members there were sent by him or by anyone else for any purpose, including but not limiting the purpose of surveillance. Mr. West also contends that he learned no other information about the meeting except the fact that there were only a few members in attendance. He specifically denies that he was aware that Mr. Milton attended the meeting. Mr. Milton presented no evidence disputing Mr. West's statements.

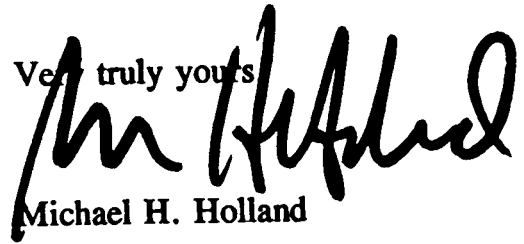
The August 3, 1991 campaign meeting was an open meeting. All IBT members were welcome to attend including members who were politically opposed to Mr. Carey and his slate. No admonitions were given at the meeting that the discussion was confidential or that the identity of persons attending was not to be revealed. Under such circumstances that fact that members opposed to Mr. Carey and his slate attended and subsequently informed others of that which occurred at the meeting cannot be found to constitute surveillance. For these reasons the 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,

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D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours

A handwritten signature in black ink, appearing to read "Michael H. Holland", written in a cursive style.

Michael H. Holland

MHH/cb

cc: Frederick B. Lacey, Independent Administrator
Donald H. Williams, Regional Coordinator