

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

October 14, 1991

Chicago Office:
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343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Chris Scott
IBT Unity Team
508 Third Street, N.E.
Washington, D.C. 20003

Walter Shea
c/o Robert Baptiste, Esquire
Baptiste & Wilder
1919 Pennsylvania Avenue, N.W.
Suite 505
Washington, D.C. 20006

August Sallas
President
Hispanic American Labor Council
2536 S. Christiana Avenue
Chicago, IL 60623

Re: Election Office Case No. P-877-IBT

Gentlemen:

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 the R. V. Durham Unity Team slate. The protest alleges the Hispanic American Labor Council (HALC) violated the *Rules* by utilizing the Summer, 1991 issue of its newsletter to publicize and promote Walter Shea and Daniel Ligurotis, candidates for IBT General President and General Secretary-Treasurer respectively on the Shea-Ligurotis Action Team slate, as well as Robert Meidel, a former International Union Trustee candidate affiliated with that slate.

The Summer 1991 issue of the HALC newsletter contains four articles which relate to candidates for IBT International Union office. The first highlights the selection of Daniel Ligurotis as the HALC's "Man of the Year," to be honored at the annual HALC banquet on November 16, 1991. The second article provides a biography of Mr. Ligurotis including his IBT positions and other affiliations. The third article is a signed letter by Walter Shea and Daniel Ligurotis which, without mention of the IBT International Union election, seeks the support of Hispanic labor for "leadership you can trust." The fourth article is a biography of Robert Meidel indicating that he is running as a "trustee candidate on the Shea-Ligurotis Slate for the International Brotherhood of

Teamsters Executive Board." The newsletter contains two portrait photographs, one of Mr. Ligurotis and one of Mr. Ligurotis and Mr. Shea.

The HALC is a voluntary organization of Hispanic trade unionists from various unions. Its purpose is to promote concern with respect to issues affecting the Hispanic community. It has no official relationship and receives no monetary support from the Labor Council for Latin American Advancement of the AFL-CIO. It is supported by \$15.00 annual dues from its individual trade union members. The Election Officer investigation revealed that the dues are tendered by the individual trade unionists, not by the labor organizations with which they are affiliated. In addition, the HALC holds an annual banquet for which it sells tickets. Tickets are purchased by individuals as well as labor organizations, including labor organizations affiliated with the IBT.

Article X, § 1 of the *Rules* prohibits labor organizations from making campaign contributions. A campaign contribution includes any "direct or indirect contribution where the purpose, object or foreseeable effect of that contribution is to influence the election of a candidate." The issue is thus whether HALC's summer, 1991 newsletter constitutes such a contribution.

HALC is financed, at least in part, through individual member dues, monies which are not paid by any labor organization. There is nothing in the *Rules* which prohibits contributions of individual trade union members, whether or not such members are affiliated with the IBT, to the campaigns of any candidate for International Union office in the IBT. Accordingly, if HALC were financed solely through such membership dues, its publication and distribution of the Summer, 1991 issue of its newsletter - even if such newsletter were to be considered campaign literature - would not constitute a violation of the *Rules*.

In addition to its members' dues monies, HALC also receives financial support from the receipts generated by its annual banquet. Tickets to that banquet are purchased by labor organizations, entities otherwise prohibited under the *Rules* from making campaign contributions. Since HALC is financed, at least in part, through monies received from labor organization, it is prohibited from making campaign contributions under the *Rules*. See Election Office Case No. P-927-IBT.

HALC is not the IBT nor an affiliate of the IBT. The contents of its newsletter are therefore not governed by the provisions of Article VIII, § 7 of the *Rules*. Rather, HALC is only prohibited, since it is financed by money from labor organizations, from making campaign contributions to any IBT International Union officer candidate.

News articles which mention or discuss a candidate or a candidate's political positions do not necessarily constitute campaign contributions if the article is otherwise newsworthy. Since the publication here is not an IBT or IBT subordinate body

publication, the *Rules* do not require that equal coverage be given to similar activities or positions taken by other candidates.

Applying the foregoing analysis, the article contained in the newsletter with respect to Mr. Ligurotis being selected as HALC Man of the Year would not constitute a campaign contribution. The story is newsworthy; an advertisement for the annual banquet at which Mr. Ligurotis will be named Man of the Year is contained in the same issue of the newsletter. The second article in the newsletter about Mr. Ligurotis gives biographical information and lists his accomplishments; it does not indicate that he is a candidate for IBT International Union office. It is normal and customary for an organization naming a Man of the Year to simultaneously provide such biographical information about the person selected.

The same analysis suggests, however, that the letter signed by Messrs. Shea and Ligurotis falls within the parameters of a campaign contribution. While the letter does not mention the IBT International Union officer election, it talks about "our Union," the fact that the Union has lost focus, and discusses the type of leadership the members of the Union want. The letter ends with these statements; "That's the kind of leadership we have provided and always will provide. This is a great Union. Working together we can make it even greater."

The letter as printed is a naked plea for support from IBT members who participate in HALC and/or receive its newsletter. By printing the letter, HALC permitted Messrs. Shea and Ligurotis to contact IBT members and seek their support at the expense of HALC, an organization prohibited under the *Rules* from making a campaign contribution. Accordingly, the *Rules* have been violated.¹

To remedy the violation found here, the Election Officer directs HALC to provide the candidates opposing Messrs. Shea and Ligurotis for the positions of IBT General President and General Secretary-Treasurer, that is Durham Unity Team candidates R. V. Durham and Harold Leu and Ron Carey Slate candidates Ron Carey and Tom Seaver, the same access to its members and supporters as that afforded to Messrs. Shea and Ligurotis. To do so, the Election Officer directs that HALC publish and distribute another copy of its newsletter on or before November 8, 1991. Such newsletter shall include campaign material prepared by the Ron Carey Slate and the R. V. Durham Unity

¹ That portion of the protest relating to the article about Robert Meidel is now moot. Mr. Meidel was a candidate for International Union Trustee. The election for International Union Trustees has now been concluded and the results certified by the Election Officer. Mr. Meidel was an unsuccessful candidate. The article about him in the Summer, 1991 of HALC's newsletter - even assuming that the publication and distribution of that article constitute an improper campaign contribution - did not affect the outcome of the International Union Trustee election. *Rules*, Article X, § 1(b)(2).

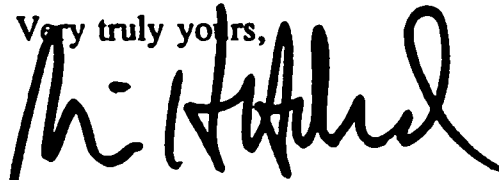
Chris Scott
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Team slate. The campaign material of each slate shall be camera ready when submitted and shall be no more than one-half page in size. The material may include one photograph within that half-page.

Within five days of the date of this letter, HALC shall notify the Ron Carey Slate and the R. V. Durham Unity Team slate of the location where and the date when each slate's campaign material is to be submitted to HALC and the date on which HALC shall publish and distribute the newsletter containing such campaign material. The letter shall contain all appropriate specifications necessary for the respective slates to timely and appropriately submit their campaign literature for inclusion in the next issue of HALC's newsletter. A copy of the letter sent by HALC to the Ron Carey Slate and the R. V. Durham Unity Team slate shall be sent simultaneously to the Election Officer. HALC shall provide the Election Officer with a proof of its newsletter, containing the campaign materials, prior to the publication of such newsletter.

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

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Julie E. Hamos, Regional Coordinator

CARMELL CHARONE WIDMER MATHEWS & MOSS

LIMITED

ATTORNEYS AT LAW

225 WEST WASHINGTON STREET SUITE 1000

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(312) 236-8033



October 25, 1991

OCT 28 1991

UPS NEXT DAY AIR

Stuart Alderoty, Esquire
Office of Independent Administrator
c/o LeBoeuf, Lamb, Leiby & MacRae
Gateway Center I, Suite 603
Newark, New Jersey 07102-5311

MHH
BHH
JJS

Re: Hispanic American Labor Council
Election Office Case No. P-877-IBT

Dear Mr. Alderoty:

This will confirm the settlement reached during the October 23, 1991 appeal hearing: Hispanic American Labor Council (HALC), at no cost to R.V. Durham or Ron Carey, will reproduce, stuff, and mail together in HALC envelopes campaign literature of Durham and Carey not later than November 8, 1991; provided that each candidate's literature is on one sheet of letter size paper (front and back may be used) and received by August Sallas no later than October 30, 1991. Each candidate is to send the undersigned a copy of his transmittal letter to Mr. Sallas. HALC will mail the literature to those persons to whom was mailed the Summer 1991 issue of the HALC newsletter. Finally, Mr. Sallas will sign an affidavit of compliance with the settlement.

I trust that this letter accurately relates the parties' agreement.

Very truly yours,

CARMELL CHARONE WIDMER MATHEWS & MOSS

Sherman Carmell

SC/cc

cc: Barbara Hillman, Esquire ✓
c/o Election Officer
Hugh Beins, Esquire
Richard Gilberg, Esquire
Robert Baptiste, Esquire
August Sallas