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Michael H. Holland
Election Officer

November 8, 1991

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William Hogan, Jr.
c/o IBT Local Union 714
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Re: Election Office Case Nos. P-955-IBT
P-1005-IBT

Gentlemen:

Protests were filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") concerning the National Black Caucus of the IBT. The first protest, Election Office Case No. P-955-IBT, was filed by Archie Cook and alleges that the National Black Caucus violated the *Rules* prohibiting the Union from making a campaign contribution to the candidacy of

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any IBT International Union candidate by (a) the National Black Caucus endorsement of the R. V. Durham Unity Team and (b) the failure to provide equal access to all nominated candidates for IBT International office and their supporters at the National Black Caucus meeting of October 3-5, 1991. The second protest, Election Office Case No. P-1005-IBT, filed by Karen Keys on behalf of J. C. Thomas, alleges that the conduct and content of the National Black Caucus meeting of October 3-5, 1991 constitute a campaign contribution to the R. V. Durham Unity Team in violation of the *Rules*. The protests were investigated by Regional Coordinator Julie Hamos, Adjunct Regional Coordinator Deborah Schaaf and the Washington, D.C. office of the Election Officer.

I. Legal and Factual Background

Article X, § 1(b)(1) of the *Rules* prohibits campaign contributions from employers, foundations, trusts and labor organizations, whether or not such labor organizations are affiliated with the IBT. Further, and more specifically, Article X, § 1(b)(3) of the *Rules* prohibits the use of any Union funds or goods to promote the candidacy of any individual. Use of Union equipment, stationery, facilities and personnel is strictly prohibited unless the Union is compensated for such use by the candidate and all candidates are provided equal access. "Union" is defined to include the IBT and all subordinate bodies of the IBT. *Rules*, Definitions, ¶ 39 at A-8.

There is an exception to these prohibitions, however, contained in Article X, § 5 of the *Rules*. Article X, § 5 provides the following exception:

Nothing herein shall prohibit any candidate from accepting contributions made by any caucus or group of Union members or any campaign organization of any candidate, provided that such caucus, group or campaign organization is itself financed exclusively from contributions permitted under these *Rules*.

The Election Officer has previously held that an entity otherwise prohibited from making campaign contributions under the *Rules* may make such contributions if (a) it is a caucus of Union members, (b) it properly allocates and segregates resources obtained from persons or entities prohibited from making campaign contributions under the *Rules* from those received from persons or entities permitted to make such contributions and (c) utilizes only the latter resources with respect to its campaign activities. In Re Gully et al and Teamsters for a Democratic Union and Teamsters Rank and File Legal Defense and Education Fund, 91-Elec. App.-158, affirming Election Office Case No. P-249-LU283-MGN.

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The knowledge obtained by the Election Officer since the date of his appointment by the United States District Court for the Southern District of New York in May, 1989--and particularly the knowledge gained during his supervision of the delegate election and 1991 Convention phases of the 1991 International Union officer election --has previously led him to conclude that the National Black Caucus is a caucus or group of Union members within the meaning of Article X, § 5 of the *Rules*. See, e.g., *Advisory on Campaign Contributions and Disclosure ("Advisory")*, issued August 14, 1991, at page 27.

To date, the Election Officer is aware of the existence of two independent committees, who have participated in the election process, both caucuses of Union members, the Black Caucus and the Teamsters for a Democratic Union ("TDU").

The investigation of the instant protest confirms this conclusion.

The National Black Caucus was established well prior to the 1991 International Union officer election campaign and the entry of the Consent Order on March 14, 1989, as a special interest group within the IBT. The National Black Caucus was established and exists to address issues of special concerns to African-Americans, and particularly African-American members of the IBT. Membership is open to IBT members but no IBT member is required to join the National Black Caucus. Membership is voluntary and does not affect the member's rights under the IBT International Union Constitution or the by-laws of any Local Union; similarly, membership has no impact on the wages, hours or other terms and conditions of employment of any IBT member. The National Black Caucus is a caucus of Union members within the meaning of Article X, § 5 of the *Rules* and is thus permitted to make campaign contributions, and candidates for IBT International Union office are permitted to accept contributions from it, provided that the resources contributed are themselves derived exclusively from contributions otherwise permitted under the *Rules*.

The National Black Caucus is funded in part by the IBT and subordinate bodies of the IBT. The National Black Caucus has made campaign contributions to IBT International Union officer candidates. It has endorsed the R. V. Durham Unity Team; an endorsement is a campaign contribution within the meaning of the *Rules*. See In Re Durham Unity Team and Committee to Elect Ron Carey, 91-Elec. App.-183, affirming Election Office Case No. P-651-IBT. That a caucus of Union members receives and utilizes funds from an entity prohibited from making campaign contributions under the *Rules*, while the caucus itself simultaneously makes campaign contributions, does not violate the *Rules*, if the caucus segregates the funds it receives and utilizes only funds received from persons and entities entitled under the *Rules* to make campaign contributions for the caucus' own campaign activity. In Re Gully, *supra*.

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The same analysis applies to conventions of caucuses of Union members. A caucus of Union members may at its convention take a partisan political position with respect to the 1991 International Union officer election. See Election Office Case No. P-965-IBT (TDU as a caucus of Union members not required to invite all competing candidates for any International Union officer position to appear or speak at its convention). To the extent that the caucus engages in partisan political activity at its conferences or conventions--in other words, makes campaign contributions within the meaning of the *Rules*--the resources for that portion of its conference or convention must be derived from persons or entities otherwise entitled to make campaign contributions under the *Rules*. To the extent that the conference or convention concerns matters unrelated to the 1991 International Union officer election, that portion of the conference or convention may be funded by persons or entities otherwise prohibited from making campaign contributions under the *Rules*. See In Re Gully, *supra*, Election Officer Decision at pages 35-37, where the Election Officer found that the activities undertaken at the TDU convention could properly be allocated between those involving campaign activity and those involving other matters; only the activities relating to campaign items were required to be funded by persons or entities otherwise entitled to make campaign contributions under the *Rules*.

The National Black Caucus, being a membership organization, is supported in large part by membership fees. IBT members wishing to belong to the Black Caucus pay a membership fee of \$25.00. Unless the member is reimbursed by his Local Union or another IBT entity for such membership fee, the membership fees so generated may be utilized by the National Black Caucus for campaign purposes. The National Black Caucus also receives funds from benefit fundraisers, such as the prayer breakfast held during its October 3-5, 1991 conference. To the extent that tickets for such fundraisers are purchased by IBT members or others entitled to make campaign contributions under the *Rules*--and such purchases are not reimbursed by the Local Union, another IBT entity or a person or entity forbidden from making campaign contributions--the monies so raised may be utilized for political purposes. The National Black Caucus also charges registration fees for its conferences; again, the source of such fees determines whether the monies so generated may be utilized for campaign purposes.

The National Black Caucus also is the recipient of contributions from the IBT, albeit primarily in-kind contributions. Obviously, none of the resources it receives from the IBT may be utilized by the National Black Caucus for campaign purposes. To the extent that the National Black Caucus utilizes facilities of the IBT such as office machinery, mailing labels and the like, or has had purchased for it by the IBT such office machinery, allocating and refunding the value of such usage either to the IBT or to its non-campaign related funds would satisfy the requirements of the *Rules*. See In Re Gully, *supra*.

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II. The Protests

A. Endorsement

With these principles in mind, the Election Officer has reviewed the allegations of the protests at issue here. With respect to Mr. Cook's contention that the National Black Caucus violated the *Rules* by endorsing the R. V. Durham Unity Team, the discussion above demonstrates that the *Rules* were not violated by such endorsement provided that all funds utilized in making such endorsement or publicizing such endorsement were funds derived from persons or entities otherwise entitled to make contributions under the *Rules*. To ensure that only permitted resources have been or will be used by the National Black Caucus for its endorsement or other campaign activities, i.e., campaign contributions under the *Rules*, the Election Officer has ordered that the National Black Caucus file reporting and disclosure reports with him. Advisory at page 27. Those reports must include the totality of all monies received by the National Black Caucus--including cash and in-kind contributions not received nor expended for campaign-related purposes for the period from August 27, 1991--as well as all monies expended for campaign-related purposes since that date.

While the National Black Caucus has timely filed its initial Campaign Contributions and Expenditure Report and Supplemental Form No. 1, such reports did not contain the contributions and expenditure information noted above. That initial report, accordingly, does not meet the requirements of the *Advisory*. Without the receipt of appropriate reports, the Election Officer will be unable to determine whether the National Black Caucus has utilized funds or resources from persons or entities prohibited from making campaign contributions under the *Rules* for campaign purposes. Accordingly, the Election Officer will require the National Black Caucus to submit to him within seven days of the date of this decision an amended Campaign Contribution and Expenditure Report and Supplemental Form No. 1.¹ By this decision, the National Black Caucus is also ordered and required to timely submit Pre-Election Report No. 2, now due because of the Veteran's Day holiday, on November 10, 1991; Post-Election Report, due seven days following the conclusion of the International election; and the Final Report, due on or before January 17, 1992.

Further, given the possibility that Union funds may have been used to reimburse National Black Caucus membership dues and/or other small contributions such as purchase of fundraising tickets--and the strict prohibition of any Union funds being used

¹ Because of the importance of the Election Officer receiving such information, an appeal of this portion or any portion of his decision shall not stay the requirement that the National Black Caucus file amended reports within seven days of the date of this decision. *Rules*, Article XI, § 2(z).

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to influence the 1991 IBT International Union officer election--the Election Officer shall require the National Black Caucus to itemize by name, address and Local Union number all contributions it has received, regardless of the amount of the contribution. The itemization of contributors who have individually contributed \$100.00 or less shall be submitted within 14 days of the date of this letter; the itemization of those contributors who contributed \$100.00 or less shall not be disclosed by the Election Officer.

Upon receipt of such reports, the Election Office will review such reports and conduct such further investigation as may be necessary to ascertain that all funds expended by the National Black Caucus relating to its endorsement of the R. V. Durham Unity Team and/or other campaign activities were funds obtained from persons or entities otherwise entitled to make campaign contributions under the *Rules*. Such further investigation may include contacting the members who made contributions and/or their Local Unions to determine whether Union funds were utilized to reimburse members for their contributions, particularly the contributions in the form of membership fees or fundraiser tickets. To the extent that the National Black Caucus used, for campaign purposes, resources obtained from persons or entities not entitled to make campaign contributions under the *Rules*, the Election Officer will require that the National Black Caucus disgorge such monies by refunding, with interest, the amount improperly expended to the fund accounts it holds for non-political related purposes. Such disgorgement or refunding is sufficient to satisfy the requirements of the *Rules*. In Re Gully, supra.

B. October 3-5, 1991 Convention

On October 3-5, 1991, the National Black Caucus held a meeting or conference in Chicago, Illinois. The Election Officer investigation revealed that the content of the October 3-5, 1991 conference was largely apolitical. The speakers included both members of Congress and IBT members and officers. The speakers included International Union officer candidates on the R. V. Durham Unity Team; no candidates on the Ron Carey Slate² or the Shea-Ligurotis Action Team spoke. The Election Officer investigation determined, however, that the speeches made only passing references to the IBT International Union officer election, albeit references supportive of the R. V. Durham Unity Team candidates. The Election Officer has determined an allocation and, if necessary, a repayment, as further described both above and below, will remedy any violations which occurred by reason of the sources of the monies utilized to pay for this conference.

² Leroy Ellis, a nominated candidate for Vice President on the Ron Carey Slate, spoke from the floor during the conference and introduced himself as an International Union Vice President candidate on the Ron Carey Slate.

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At the end of the session on Friday, October 4, 1991, supporters of the candidates on the R. V. Durham Unity Team distributed literature to conference participants. When supporters of the candidates on the Ron Carey Slate--including Leroy Ellis, a candidate on that Slate--attempted to pass out literature, they were clearly impeded from doing so by the Black Caucus' sergeant-at-arms. Apparently, no candidates on, or supporters of, the Shea-Liguoris Action Team attempted to pass out literature at the October 3-5 conference.

As indicated above, however, preventing literature distribution on behalf of any candidates but the R. V. Durham Unity Team by the National Black Caucus would not constitute a violation of the *Rules* if a sufficient percentage of the October 3-5 conference time and costs were allocated for campaign purposes. Election Office Case No. P-965-IBT. Based upon his investigation of these protests, with respect to both the content of the conference and the literature distribution issue, the Election Officer determines that five percent of the conference must be considered to be a campaign contribution to the R. V. Durham Unity Team. Accordingly, five percent of all costs associated with the conference must be funded by resources of the National Black Caucus which were obtained by it from persons or entities entitled to make campaign contributions under the *Rules*. To the extent that the conference was not so funded, repayment of the amounts improperly expended by the National Black Caucus to its funds set aside for non-political purposes--with interest--would properly satisfy the requirements of the *Rules*. See In Re Gully, *supra*.

To properly ensure that the National Black Caucus has not violated the *Rules*, or has properly repaid all funds expended for campaign purposes in violation of the *Rules*, and as noted earlier herein, the Election Officer is requiring that the National Black Caucus file an amended Campaign Contribution and Expenditure Report and Supplemental Form No. 1, the remaining three reports due under the *Rules* and the Advisory, as well as a listing of resources received from individuals or entities who provided \$100.00 or less to the Caucus. As also noted above, the Election Officer will review such reports and conduct whatever further investigations are necessary to ensure that all funds that have heretofore been expended or are expended by the National Black Caucus for political activities on behalf of nominated International Union officer candidates result from contributions to it by persons or entities otherwise entitled to make campaign contributions under the *Rules*. See Section II, A, *infra*. Disgorgement or repayment of the funds improperly used--with interest--will satisfy the requirements of the *Rules*. In Re Gully, *supra*.

If Union funds were used to pay the transportation, hotel and/or per diem expenses, or the registration fees of any IBT members attending the October 3-5, 1991 conference, the National Black Caucus must refund to the IBT, the Local Union or other subordinate body five percent of the monies expended by the Local Union or other

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subordinate body in sending or paying the expenses of its members to attend the conference. The refunds must be paid from funds of the National Black Caucus obtained from persons or entities otherwise entitled to make campaign contributions under the *Rules*.

Within seven days of the date of this decision, the National Black Caucus shall provide the Election Officer with a list of all IBT members, and their Local Union affiliation, attending the conference. Within such same seven-day period, the National Black Caucus shall write to the principal officer the IBT, of all Local Unions or other subordinate bodies whose members attended the October 3-5 conference, requesting that the principal officer provide an affidavit within seven days of the receipt of such letter to the National Black Caucus, with a copy to the Election Officer, of the amount, if any, of Union funds utilized to subsidize the subordinate body's members' attendance at the conference. A copy of the letters sent by the National Black Caucus to such principal officers shall be provided simultaneously to the Election Officer. Within seven days of its receipt of the affidavits from the principal officers, the National Black Caucus shall refund to such Union entities, five percent of the amount the entity spent in sending its members to attend the October 3-5 conference.

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

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Kenneth L. Hollowell, Secretary-Treasurer
IBT Local Union 247
2741 Trumbull Ave.
Detroit, MI 48216

Lou Richards

Ron Carey
c/o Richard Gilberg, Esquire
Cohen, Weiss & Simon
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Karen Anita Keys, Counsel
Teamsters for a Democratic Union
2000 P Street, NW
Suite 702
Washington, DC 20036

IN RE:	ARCHIE J. COOK J.C. THOMAS and IBT NATIONAL BLACK CAUCUS	: : : : : : : : : :	91 - Elec. App. - 232 (SA) DECISION OF THE INDEPENDENT ADMINISTRATOR
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This matter arises as an appeal from the Election Officer's decision in Case Nos. P-955-IBT and P-1005-IBT. A hearing was held before me by way of teleconference at which the following persons were heard: John J. Sullivan and Barbara Hillman for the Election Officer; Julie E. Hamos, a Regional Coordinator; Deborah Schaaf, an Adjunct Regional Coordinator; Joel D'Alba for the IBT National Black Caucus ("Black Caucus"); Susan Davis, for the Committee to Elect Ron Carey; Kenneth Hollowell, the Secretary-Treasurer of Local Union 247; Archie J. Cook and J.C. Thomas, the Complainants; Hugh Beins, for the R.V. Durham Unity Team; Edward "Doc" James, Chairman of the Black Caucus; and Duria Jones, a member of the Black Caucus. In addition, Karen A. Keys, from Teamsters for a Democratic Union, participated as a fact witness. The Election Officer submitted a written Summary in accordance with Article XI, Section 1.a.(7) of the Rules for The IBT International Union Delegate and Officer Election (the "Election Rules").

This matter involves two protests which charge that the Black Caucus violated the Election Rules by endorsing certain candidates

for International Union officer positions and by allowing partisan campaign activities to occur at its conference held in Chicago from October 3 to October 5, 1991.

The Black Caucus is a special interest group within the IBT which was formed long before the entry of the March 14, 1989, Consent Order and the current campaign for IBT International Union officers. The Black Caucus is a voluntary membership organization open to all IBT members. It does not bargain over members' rights or have any other impact on wages, hours or terms of employment. It draws much of its financial support from monthly membership fees of \$25 per person. It also charges registration fees for its conferences and holds benefit fund raisers. In addition, the Black Caucus receives contributions from the IBT and subordinate bodies of the IBT frequently in the form of in-kind donations of goods and services.

In his Advisory on Campaign Contributions and Disclosure issued August 14, 1991, the Election Officer recognized this organization as a "caucus" within the meaning of the Election Rules. Generally, the Election Rules prohibit endorsements or campaign contributions from employers or labor organizations, and other entities such as foundations and trusts. However, a caucus is exempt from this restriction provided that it receives its financing from sources permitted to make campaign contributions pursuant to the Election Rules. Election Rules, Article X, Section 5.

Consistent with this approach, both the Election Officer and Independent Administrator have previously held that an organization otherwise prohibited from making campaign contributions may contribute where it is found that:

- a) The organization is a caucus of union members;
- b) The organization allocates and segregates revenues and contributions obtained from persons or entities prohibited from making contributions under the rules, from those received from persons or entities permitted to make contributions; and
- c) The organization uses only the permitted contributions to fund its campaign activities.

See, In Re Gully et al., 91 - Elec. App. - 158 (SA) (June 12, 1991). Thus, the Black Caucus may contribute to the campaigns of candidates running for IBT International Union offices so long as the funds thus used came from persons or entities permitted to make campaign contributions under the Election Rules.

The complainants in this matter specifically allege that the Black Caucus has violated the Election Rules by: 1) endorsing the R.V. Durham Unity Team Slate of International Union Officer Candidates; and 2) engaging in partisan campaign activity at its conference.

It is undisputed that the Black Caucus has endorsed the R.V. Durham Slate of International Union officer candidates. As a caucus under Article X, Section 5. of the Election Rules, it does not violate the Election Rules by making such endorsements.

An endorsement, however, is a contribution because its purpose and foreseeable effect is to influence the election of a candidate.

Election Rules, Definitions (6). As noted above, a caucus may only make campaign contributions out of funds derived from persons entitled to make contributions under the Election Rules. Therefore, while the endorsement by itself does not violate the Election Rules, a violation would occur if the cost of making or publicizing the endorsement were born by individuals who were not themselves entitled to contribute.

The Election Officer also found that partisan activities had taken place at the conference of October 3-5, 1991. The Election Officer established that five percent of the conference was devoted to campaign activity on behalf of the R.V. Durham Unity Team. Accordingly, the Election Officer directed that five percent of all costs incurred in holding the conference would have to be funded by resources obtained from persons entitled to make campaign contributions.

To aid the Election Officer in resolving the issues presented, he directed the Black Caucus to supply information that will identify its specific sources of funding, as well as the accounts from which expenditures were made. The Election Officer further advised that, should it be found that the Black Caucus funded its own campaign activity (including five percent of the conference) with resources obtained from individuals not entitled to make campaign contributions, it would be required to disgorge such contributions by refunding with interest any improperly expended

amounts to its accounts which are set aside for non-political purposes. See, In Re Gully, supra, at p. 12.

In addition, the Election Officer directed the Black Caucus to provide information regarding the transportation, hotel, registration and per diem expenses of the members who attended the conference. Upon review of this information, the Election Officer will direct the Black Caucus to refund to any Local Union or other IBT subordinate body who may have contributed to the expenses of members attending the conference, five percent of those contributions.

The Black Caucus specifically challenged the Election Officer's finding that five percent of the conference was devoted to Durham campaign activity. It was suggested that the true amount was far less than one percent.¹

At the hearing before me, it was undisputed that for approximately 45 minutes on Friday morning, October 4, several Vice-Presidents running on the R.V. Durham Slate, and R.V. Durham himself, addressed the assembled members. While their campaign remarks were limited, they were introduced as candidates, with R.V. Durham being described as the only candidate who could run the IBT. Clearly, the purpose of having these men speak was to promote their

¹ The National Black Caucus also challenged the timeliness of this protest. This objection is without merit. It is not disputed that the conference meetings began on Friday, October 4. Mr. Cook's protest was received by the Election Officer on October 6. Thus, it is evident that this protest was timely filed. Moreover, the Election Officer has the authority to investigate the issues raised in this matter even in the absence of a formal protest.

candidacies to those in attendance. Moreover, at the hearing it was established, consistent with the Election Officer's findings, that supporters of Ron Carey, a rival candidate for IBT General President, were precluded from distributing literature to those exiting the last meeting held at the Conference on Saturday morning, October 5. Durham supporters had been permitted to distribute literature to those exiting the Friday, October 4 meeting.²

Given this background, the Election Officer's findings that five percent of the conference was devoted to Durham campaign activity is a reasonable one. Durham candidates were permitted to address the attendees for nearly one hour at one of the meetings conducted at the conference.³ Moreover, Durham supporters were given preferential permission to distribute campaign literature to the participants in the Friday meeting. All of this campaign activity when grouped together can be fairly said to represent five percent of the conference.

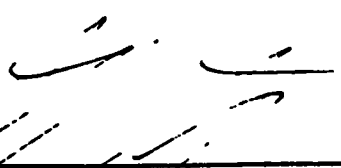
In sum, the Election Officer's conclusions in this matter are based on reasoned evaluations of the evidence and are consistent

² Apparently, it was finally decided that the Carey supporters could distribute literature after the Saturday meeting was adjourned and the participants had disbanded. Certainly, by that time it was simply too late. Moreover, despite the fact that a \$125 per plate black tie dinner was conducted Saturday evening, the conference had already been adjourned by that time and thus, the Carey supporters chose not to distribute literature at the dinner. The Carey supporters can not be faulted for that decision.

³ The entire conference involved less than eight hours of formal meetings.

with the Election Rules and past decisions involving the partisan political activities of caucuses.

For the foregoing reasons, the Election Officer's decision is affirmed in all respects.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: November 22, 1991

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February 12, 1992

VIA UPS OVERNIGHT

Kenneth L. Hollowell
Secretary-Treasurer
IBT Local Union 247
2741 Trumbull Avenue
Detroit, Michigan 48216

**Re: Election Office Case Nos: P-955-IBT and P-1005-IBT
(Compliance)**

Dear Mr. Hollowell:

In his decision dated November 8, 1991 the Election Officer found that five percent (5%) of the National Black Caucus meeting or conference held on October 3-5, 1991 in Chicago, Illinois consisted of campaign activities on behalf of the R. V. Durham Unity Team and thus five percent (5%) of the conference was to be considered a campaign contribution to the R.V. Durham Unity Team. Accordingly, the Election Officer found that if Union funds were used to pay transportation, hotel and/or *per diem* expenses or registration fees of any IBT members attending the October 3-5, 1991 caucus, the National Black Caucus was to refund to such IBT entity five percent (5%) of the monies expended by such entity. The decision of the Election Officer was affirmed in all respects by the Independent Administrator.

To date, the Election Officer's compliance investigation has determined that members of thirty-one (31) Local Unions attended the October 3-5, 1991 National Black Caucus meeting. The vast majority of such Locals subsidized, in whole or in part, the costs incurred by their members in attending the October 3-5 conference.¹ In accordance with the Election Officer decision of November 8, 1991, the National Black Caucus is

¹ The Election Officer's investigation in this regard is not, however, at this time complete. He is continuing to investigate whether members of other Local Unions attended the October 3-5, 1991 National Black Caucus meeting and is further continuing to investigate whether Union funds of additional Local Unions or other IBT entities were utilized to subsidize the expense of their members in so attending.

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required to reimburse each such Local Union for five percent (5%) of the Union funds expended by it in sending members to the October 3-5, 1991 National Black Caucus meeting. The Locals to be so reimbursed and the amount of money to be provided by the National Black Caucus to each such Local Union is as follows:

Local Union	Sum to be Reimbursed
Local 147 Westley D. McDaniel President 2425 Delaware Avenue Des Moines, Iowa 50317	\$ 48.98
Local 177 Mario Ferrucci Secretary-Treasurer 282 Hillside Avenue Hillside, New Jersey 07205	184.89
Local 243 James F. Esser President 2741 Trumbull Avenue Detroit, Michigan 48216	57.00
Local 246 Arthur L. Busby President 2120 Bladensburg Road, N.E. Washington, D.C. 20018	170.29
Local 272 Eugene Bennett Secretary-Treasurer 210 East 86th Street New York, New York 10028	41.00
Local 283 Arron Gully President 1625 Fort Street Wyandotte, Michigan 48192	34.99

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Local 337	97.78
Lawrence Brennan	
President	
2801 Trumbull Avenue	
Detroit, Michigan 48216	
Local 390	146.02
Clarence Lark	
President	
2940 N.W. 7th Street	
Miami, Florida 33125-4396	
Local 396	23.80
Carl Lindeman	
Secretary-Treasurer	
3435 Wilshire Boulevard, Suite 2320	
Los Angeles, California 90010	
Local 507	175.56
Gerald Yontek	
President	
1870 East 19th Street	
Cleveland, Ohio 44114	
Local 528	69.81
R. Jerry Cook	
President	
2540 Lakewood Avenue, S.W.	
Atlanta, Georgia 30315	
Local 639	81.84
Phillip A. Feaster	
President	
3100 Ames Place, N.E.	
Washington, D.C. 20018	
Local 688	86.04
Joseph Galli	
300 South Grand Street	
St. Louis, Missouri 63103	

Local 727	71.19
James L. Coli	
Secretary-Treasurer	
5940 West Montrose Avenue	
Chicago, Illinois 60634	
Local 728	141.50
Donald S. Scott	
President	
2540 Lakewood Avenue, S.E.	
Atlanta, Georgia 30315	
Local 730	246.14
James Collins	
President	
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Local 769	52.06
Tony Cannestro	
President	
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Miami, Florida 33150	
Local 808	80.28
Chris Silvera	
Secretary-Treasurer	
62-17 Northern Boulevard	
Woodside, New York 11377	
Local 886	128.29
Charlie Thompson	
President	
3528 West Reno	
Oklahoma City, Oklahoma 73125	
Local 891	72.89
M. E. Wicker	
President	
2560 Valley Street	
Jackson, Mississippi 39204	

Local 984 Charles F. Callins President 3020 Sandbrook Street Memphis, Tennessee 38116	63.98
Local 922 Eddie Kornegay President 2120 Bladensburg Road, N.E. Washington, D.C. 20018	82.50
Local Union 988 Richard A. Hammond President 3100 Katy Freeway Houston, Texas 77270	49.25
Local 1196 Sidney Chism President 1993 Winchester Street Memphis, Tennessee 38116	108.06

In accordance with the prior decision issued by the Election Officer, and affirmed by the Independent Administrator, the National Black Caucus is to reimburse the Local Unions delineated above in the appropriate amounts within thirty (30) days of the date of this letter. An affidavit demonstrating compliance shall be simultaneously sent to the Election Officer. The reimbursement funds must -- as set forth in the Election Officer's November 8, 1991 decision -- not include any monies received by the National Black Caucus from any Union entity. Accordingly, the reimbursement shall not be made from any funds, including membership fee payments, which were received from or paid by an IBT entity.²

As noted above, see Footnote 1 *supra*, the Election Officer compliance proceeding in this matter continues. Further compliance activity -- including monetary reimbursement - - may be required of the National Black Caucus.

² For instance, in his compliance investigation, the Election Officer has determined that certain Local Unions pay the National Black Caucus membership fee on behalf of some or all of their members, e.g. Local Unions 177, 243, 886. Such membership fee funds cannot be utilized for the reimbursements required here.

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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/cb

cc: **Frederick B. Lacey, Independent Administrator**

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c/o IBT Local Union 142
1300 Clark Road
Gary, Indiana 46404

Lou Richards
c/o IBT Organizing Department
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Washington, D.C. 20001

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Asher, Gittler, Greenfield,
Cohen & D'Alba
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Archie J. Cook
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Richton Park, Illinois 60471

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Memphis, Tennessee 38134

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
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Washington, D.C. 20006-1002

William Hogan, Jr.
c/o IBT Local Union 714
6815 West Roosevelt Road
Berwyn, Illinois 60402

Robert T. Simpson, Jr.
President, IBT Local Union 743
300 South Ashland Avenue
Chicago, Illinois 60607

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Washington, D.C. 20006

Ron Carey

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General President
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25 Louisiana Avenue, N.W.
Washington, D.C. 20001