



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
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October 14, 1991

Michael H. Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Chris Scott
c/o R. V. Durham Unity Team
508 Third Street, N.E.
Washington, D.C. 20002

Ron Carey Campaign
c/o Eddie Burke
26 Bradford Street
Main Front Door
Charleston, West Virginia 25301

Re: Election Office Case No. P-960-IBT

Gentlemen:

This will acknowledge receipt of the above referenced Election protest filed under Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), a copy of which is enclosed. In the protest, Chris Scott on behalf of the R. V. Durham Unity Team slate asks that the Election Officer prevent the publication of campaign material for the Ron Carey Slate in the November, 1991 issue of The International Teamster. Mr. Scott bases this request on his allegation that the campaign material was submitted two minutes after the 6:00pm schedule set for the submission of materials in the Election Officer's memorandum of October 1, 1991.

The Election Officer notes that his memorandum of October 1 indicated that campaign material for the November, 1991 issue of The International Teamster was to be submitted on or before 6:00pm on October 8, 1991. Assuming that the campaign material for the Ron Carey Slate was submitted at 6:02pm on that date, the Election Officer declines to find a violation of the *Rules* or order the relief sought by Mr. Scott.¹ The underlying purpose of the March 14, 1989 Consent Order and the *Rules* is to ensure fair, honest and open elections for International Union officer. To fail to publish campaign material based upon a delay of one to two minutes would do violence to the purposes for which the Consent Order was entered, the *Rules* approved, and the Election Officer appointed. Neither Mr. Durham nor any member of his slate is prejudiced by the fact that the campaign material may have been placed in the hands of the Election Officer one or two minutes after 6:00pm; substantial and irreparable injury would be

¹ The Election Officer does not wear a watch. There are no two clocks in the Election Office that are set to the same time. The Election Officer notes, however, that Mr. Scott was still in the Election Office for the purpose of providing the campaign material for the R. V. Durham Unity Team slate when the Ron Carey Slate material arrived.

Chris Scott
October 14, 1991
Page 2

caused to the Ron Carey campaign if the Election Officer had acted irrationally and refused to accept the material.

The Election Officer notes that he has extended himself on numerous occasions for each and all competing slates and independent candidates in this election. The Election Officer treats all candidates and slates of candidates equally. The Election Officer and his staff have, moreover, been available at all times for all candidates and all slates of candidates. The allowance or courtesy extended by the Election Officer to the Ron Carey Slate in this instance, assuming any allowance or courtesy was, in fact, extended, has been previously extended to the R. V. Durham Unity Team slate and the Shea-Ligurotis Action Team slate.

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

Richard Gilberg, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
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Chris Scott
October 14, 1991
Page 3

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Walter Shea
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Washington, D.C. 20006
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The R.V. Durham Unity Team

R.V. DURHAM
For General President

October 8, 1991

Mr. Michael Holland
Office of the Election Officer
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001

HAND DELIVERED
AND FAX DELIVERED

Re: Carey slate submission for November, 1991
International Teamster magazine

Dear Mr. Holland:

I wish to charge the above slate with violation of your rule regarding the deadline for submission of campaign material for the November 1991 Teamster magazine. This violation justifies your disqualifying this material from publication in the November magazine. The charges are:

1. On October 8, 1991, I was in your office and pointed out to you the Election Office clock which clearly indicated that it was 6:02 pm. I further stated to you that John Bell had told me moments earlier that the Carey material had not been submitted at that time. The time on your clock was confirmed by my watch when you stated to me that John Bell had not conferred with you about Carey's failure to submit by the deadline. As we left your office together, going to the elevator, approximately one minute later, the elevator doors opened and Carey campaign manager Ed Burke and John Bell arrived at the Election Office foyer. As I left the building and signed out, I noticed that Burke had purposefully signed in the log that he had arrived at 5:59 pm. However, when I left the building and got into my car with Charlie Hughes, who was waiting directly outside the main entrance of the building, he reported that Burke had driven up in a car that pulled up directly behind him. At the time, Mr. Hughes was listening to "All Things Considered" on NPR which had already begun its 6:00 news broadcast. He also looked at his watch and noticed that it was 6:02 pm.
2. You had previously stated in several conversations with me that submissions would not be accepted after 6:00 pm, exactly, on October 8. Attached is your October 1 memorandum to all nominated candidates stating this rule in writing.

Sincerely,



Chris Scott