

November 20, 1996

VIA UPS OVERNIGHT

James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Gerard McNamara, Trustee
Teamsters Local Union 107
107 Spring Garden Street
Philadelphia, PA 19123

Ron Carey, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Ron Carey Campaign
c/o Nathaniel Charny
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

John P. Morris, Secretary-Treasurer
Teamsters Local Union 115
2833 Cottman Avenue
Philadelphia, PA 19149

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-1203-LU107-PNJ

Gentlemen:

James P. Hoffa, a candidate for general president, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* alleging that individuals acting on behalf of Eastern Region vice-presidential candidate James Morris, general president candidate Ron Carey and the Carey campaign, violated the *Rules* by engaging in prohibited campaign activities. Mr. Hoffa alleges that on November 7, 1996 such individuals defaced the Local Union 107 hall by affixing Carey and Morris campaign stickers, posters, and other campaign materials in the union hall.

This protest was investigated by Regional Coordinator Peter V. Marks, Sr.

Mr. Hoffa alleges that the individuals responsible for the defacement of the Local Union 107 facility were working on behalf of Mr. Morris, Mr. Carey and the Carey campaign. Mr. Hoffa further alleges that Mr. Morris, Mr. Carey and the Carey campaign bear responsibility for the violation of the *Rules*, which was committed on their behalf. In support of his allegation, Mr. Hoffa has offered to provide photographs of Carey and Morris campaign materials affixed to the Local Union 107 hall, and he has proffered two witnesses, Carl Wood and Bob Dunbar, both of whom were interviewed during this investigation.

Messrs. Wood and Dunbar are members of Local Union 107 and supporters of the Hoffa campaign. When questioned about the alleged posting of Morris and Carey campaign materials on their local union hall, Mr. Wood offered to provide photos showing the offending Carey and Morris campaign materials, but neither Mr. Wood nor Mr. Dunbar could provide any evidence as to the identity of the person or persons responsible for posting the materials.

In the course of this investigation, Gerard McNamara, Local Union 107 trustee, was also interviewed. Mr. McNamara stated that he was unaware of the presence of Carey and/or Morris campaign materials on the Local Union 107 facility on November 7, but that he could attest that no such materials were present on November 8.

The Election Officer finds that the affixing of the campaign materials to the union hall complained of in this protest constitutes vandalism. The Election Officer addressed the affixing of campaign stickers to the exterior of a local union hall in Willett, P-863-LU331-PNJ (August 16, 1996). The Election Officer characterized such behavior as vandalism and a violation of the *Rules*:

Article VIII, Section 11(a) protects the right of members "to support or oppose any candidate" of their choice. It also protects the right of members not to be involved in union politics if that is their decision. Using the [hall] to display one side's campaign materials interfered with the Section 11(a) rights of all members of that local union who disagreed or wished to remain uninvolved. Using the hall for a campaign display also violated the prohibition in Article VIII, Section 11(c): "Union . . . facilities . . . may not be used to assist in campaigning . . ."

As in Willett, there is no evidence as to the identity of the person or persons who put up the campaign materials at the local union hall. The witnesses proffered by Mr. Hoffa could not identify the vandals, and no evidence has been revealed that links

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Mr. Morris, Mr. Carey or the Carey campaign to the incident. Accordingly, the Election Officer is unable to attribute the incident of vandalism at the Local Union 107 hall to any specific person or persons, or to the Carey campaign.

For the foregoing reasons, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Peter V. Marks, Sr., Regional Coordinator