June 11, 1996

VIA UPS OVERNIGHT

Thomas Ryan   John Sullivan, Associate General Counsel
535 E. Girard Avenue   International Brotherhood of Teamsters
Philadelphia, PA 19123   25 Louisiana Avenue, N.W.
                                                      Washington, DC 20001

Ron Carey, General President
International Brotherhood of Teamsters   Robert Baptiste
25 Louisiana Avenue, N.W.   Baptiste & Wilder, P.C.
Washington, DC 20001   1150 Connecticut Avenue, N.W., Suite 500
                                                      Washington, DC 20036

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

<center>Re: Election Office Case No. P-789-IBT-SCE</center>

Gentlemen:

   A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by Thomas Ryan, a member of Local Union 107.   Mr. Ryan alleges that General President Ron Carey and International Vice President John Morris improperly used union resources to produce, print and distribute a campaign literature.

   Specifically, the protester alleges that an anonymous campaign flyer entitled, "Hoffa scam: The truth about the Hoffa '96 Campaign," and subtitled, "LIKE FATHER--LIKE SON," was produced by Mr. Carey and/or Mr. Morris using resources from Local Union 115, Joint Council 53 and/or the Pennsylvania Conference of Teamsters.[1]   The flyer is dated May 1996.

Responding on behalf of Messrs. Carey and Morris as International officers, the IBT denies that union resources were utilized to produce the campaign flyers.

This protest was investigated by Regional Coordinator Bruce Boyens.

Article XII, Sections 1(b)(1) and (3) of the *Rules* prohibit a union from using its funds "to promote the candidacy of any individual." The *Rules* define campaign contribution broadly to include any direct or indirect contribution where the purpose, object or foreseeable effect of that contribution is to influence the election of a candidate. *Rules*, Definitions, 5.

Article XII, Sections 1(a) and 1(b)(1) of the *Rules* prohibit an employer from making any campaign contributions to the campaign of a candidate for delegate or International office. The *Rules* define "employer" to include "any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual's services." *Rules*, Definitions, 17.

Mr. Ryan's allegations are related to a different flyer, but are otherwise identical to those he filed in Ryan, P-751-IBT-SCE (May 22, 1996) (appeal pending). Mr. Ryan submitted other flyers to the Election Officer during the investigation. There, the Election Officer found that the evidence submitted by the protester was insufficient to support a *Rules* violation. She stated:

> The sole evidence to support the protester's allegation of an improper
> campaign contribution is a comparison made by the protester of a
> letter dated October 30, 1995 and authored by
> Mr. Morris, to the campaign flyers. Mr. Ryan argues that the flyers
> attacking Mr. Hoffa's candidacy reflect "Mr. Morris' unmistakable
> style" as exhibited by his "frequent use of scatological references."
> Comparing the documents, the Election Officer does not find that the
> writing style in the flyers reflects that of Mr. Morris'. Moreover, the
> Election Officer's investigation uncovered no evidence connecting any
> of the individuals alleged to have connections with the flyers or
> establishing that union resources were utilized in their production.

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[1]Mr. Morris is secretary-treasurer of Local Union 115, president of Joint Council 53 and president of the Pennsylvania Conference of Teamsters, as well as an International vice president. Local Union 115 and the Pennsylvania Conference are located at 2833 Cottman Avenue, Philadelphia, Pennsylvania.

In this protest, Mr. Ryan reiterates his claim that the flyers were authored by
Mr. Morris.   In support, he submits campaign documents purportedly written by Mr. Morris during
the 1991 IBT election cycle, as well as portions of an oral deposition taken of
Mr. Morris pertaining to the dissolution of IBT Area Conferences.   The protester claims that a
comparison of these documents and the speech of Morris to the flyers in question, reveals his
authorship of the flyers.   The Election Officer has reviewed these documents and finds the style of
the flyers, in some respects, is similar to the speech of Mr. Morris.   The Election Officer notes,
however, that similar styles and vitriolic language is contained in many of the anonymous campaign
flyers which have been reviewed by this office, both for and against Messrs. Hoffa and Carey.

Moreover, even accepting the protester's allegations that Mr. Morris authored the "Hoffa
Scam" campaign flyers, there is no violation of the *Rules* because Mr. Ryan has failed to point to any
evidence that union resources were used in the production or distribution of the flyers.   Unless there
is a violation of the *Rules* pertaining to the use of union resources or improper campaign
contributions, the Election Officer will not regulate the content of campaign propaganda.

In consideration of the foregoing, 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
        Bruce Boyens, Regional Coordinator