

September 23, 1998

**VIA FIRST CLASS MAIL**

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**Re: Election Office Case No. PR-074-IBT-EOH**

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***") against the International Brotherhood of Teamsters and IBT Organizing Director Robert Muehlenkamp. The protester alleges that the IBT and Mr. Muehlenkamp have used the resources of the Organizing Department to support the re-election and rerun election campaigns of Ron Carey. Specifically, the protester alleges that organizers employed by the IBT were "pervasively assigned to campaign for the Carey slate while on Union time." The IBT denies that any resources of the Union were used to support Mr. Carey's campaign.

The protest was investigated by Regional Coordinator J. Griffin Morgan and New York City Protest Coordinator Barbara C. Deinhardt.

## **I. Scope of Investigation**

The protest alleges misconduct that occurred before the December 1996 election, and alleges that the misconduct continued into the rerun campaign. The Election Officer has already decided that no further remedies will be imposed for misconduct relating to the initial election. See In re Carey Slate, PR-035-EOH (April 27, 1998), aff'd, 98 - Elec. App. - 348 (KC) (May 15, 1998), aff'd in rel. part, 88 Civ. 4486 (DNE) (S.D.N.Y. June 22, 1998) ; In re Cheatem, Post-27-EOH (KC) (November 17, 1997). This protest investigation, therefore, analyzed the alleged misconduct for the purpose of determining what, if any, remedies would be necessary to protect the integrity of the Rerun Election. Conduct from the initial election was investigated to obtain relevant background information, and to determine if the current allegations reflected a pattern or *modus operandi*.

The protest also alleges that the IBT improperly interfered in the conduct of local union officer elections. Allegations of local union election misconduct are outside the Election Officer's jurisdiction. Facts pertaining to these allegations were gathered, however, to determine if the alleged misconduct had a direct connection to the International officer election.

## **II. Conduct of the Investigation**

The investigation involved extensive telephone and in-person interviews and depositions with numerous witnesses throughout the country. Hundreds of pages of documents received from the IBT and others were reviewed. Election Office representatives reviewed several hundred time sheets and expense records submitted by International Representatives and Organizers to determine whether the actual assignments and work reported related to ongoing collective bargaining agreement campaigns or organizing drives. The Election Office reviewed the Campaign Contribution and Expenditure Reports ("CCERs") to determine the correlation, if any, between financial support provided by staff members to International Officer candidates and the selection of particular staff members to attend an Organizing Department conference at the George Meany Center for Labor Studies ("Meany Center"), which the protester identified as a veiled election campaign event. Many of the attendees at the Meany Center conference and a staff member of the Meany Center were deposed under oath. Planning memos, announcements, requests for financing, contemporaneous notes and other documents were reviewed to verify the legitimate union justification for the Organizing Department conference.

Sworn testimony was taken from Mr. Muehlenkamp, Executive Assistant to the General President Aaron Belk, IBT employees Gary Stevenson, Gloria Stewart, Cathlene Thomas, David Sword, Patrick Lacefield, Lorene Scheer, Gail Sullivan, Cet Parks, and from an employee of the George Meany Center for Labor Studies. The Election Officer personally deposed Mr. Muehlenkamp, the director of the IBT Organizing Department. Election Office investigators questioned numerous other witnesses. Among the interviewees was Jere Nash, the author of a memorandum that referred to a number of IBT employees and assistance that they rendered to the Ron Carey campaign for the initial election.

### **III. Facts**

#### **A. General Allegations that IBT Organizing Department Resources Were Used to Support Mr. Carey's Election Campaign**

##### **1. The January 1997 Jere Nash Memo**

The protest was filed following the disclosure of a memo written by Jere Nash to Ron Carey in January 1997 on the subject of "Campaign Support" (the "Nash Memo").<sup>1</sup> This memo, the protester asserts, is clear evidence that IBT resources were devoted to supporting the 1996 re-election campaign of Ron Carey and that Mr. Muehlenkamp, in the words of the Nash Memo "turned his organizing Department over to the campaign and became a full-time campaigner himself." The protester argued that the memo raised serious concerns about the misuse of IBT resources in the Rerun Election because Mr. Muehlenkamp and other IBT employees the memo identifies as having assisted the Carey campaign still work at the IBT.<sup>2</sup> Jere Nash was interviewed on the subject of his January 1997 memo by Counsel to the Election Officer Richard W. Mark and Deputy Election Officer Benetta M. Mansfield.

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<sup>1</sup>On September 18, 1997, Mr. Nash pleaded guilty to one count of conspiracy and one count of making false statements arising from his conduct in the initial election.

<sup>2</sup>The Election Office reviewed the Nash Memo to determine who among the 56 individuals mentioned still worked at the IBT. The IBT states that three individuals listed on the Nash Memo were never IBT employees, and that 15 other individuals no longer work at the IBT. The individuals mentioned in the Nash Memo who still work at the IBT are Colleen Dougher, Dave Eckstein, Joe Henry, Christy Hoffman, Mike Kapsa, Dave Keaton, Maria Maldonado, Larry McDonald, Matt Witt, Bob Muehlenkamp, Joanie Parker, Tom Sever, Monie Simpkins, John Braxton, Claude Brown, Ken Hall, Bob Hauptman, Bob Nicklas, Charles Rader, Paul Boldin, Ron Carver, Bart Naylor, LaMont Byrd, Ray Benning, Tom McGrath, John August, Joe Fahey, John Wayne Garrett, Gene Moriarty, Hugh Thompson, David Sword, Bob Marshall, Scott Askey, Bob Blanchet, Doreen Gasman, Gordy Teller, Cathlene Thomas, and Dan Basham.

Mr. Nash was Ron Carey's campaign manager in the initial election, having originally met Mr. Carey when he was retained to work on the 1992 transition after Mr. Carey's first election as general president of the Teamsters. See In re Cheatem, Post-27-EOH (August 21, 1997). In the initial 1996 International officer election, Mr. Carey received the majority of the votes and was elected as general president. In mid-January 1997, Mr. Nash and Mr. Carey met at Mr. Carey's condominium in Arlington, Virginia.<sup>3</sup> Mr. Carey asked Mr. Nash to assist in his second transition. They discussed possible changes to be made in executive positions at the IBT. During this meeting, Mr. Carey asked Mr. Nash for a memo describing what people who worked at the IBT had done for his re-election campaign.

Mr. Nash wrote the January 1997 memorandum in response to that request. When asked about how he drafted the memo, Mr. Nash stated, in substance, that he wrote the memo off the top of his head in 30 minutes when he returned to his home in Mississippi and that he did not review any campaign materials to determine actual work anyone had done. He stated, in substance, that he thought the memo provided him with an opportunity to advise Mr. Carey about those individuals who deserved recognition for having supported the campaign.

The Nash memo divides IBT employees into the following categories: "Most Active from the Building;" "Active from the Building;" "Active, Sort of, From the Building;" "Not Active from the Building;" and "Field Staff Most Active." Mr. Muehlenkamp is listed under the "Most Active from the Building." Beside Mr. Muehlenkamp's name, the memo states that he "turned his Organizing Department over to the campaign and became a full-time campaigner himself."

The interview of Mr. Nash reviewed each of the mentioned individuals and the basis for their inclusion in the Nash memo. For each, Mr. Nash basically stated that his statement in the memo reflected his general recollections as of January 1997, of the individual's campaign activity. The Nash memo does not state whether the campaign activity in question occurred while the individual was on union paid time. Mr. Nash stated his belief that both the IBT counsel's office, and attorneys from the IBT's then-outside counsel Cohen, Weiss & Simon, repeatedly told IBT employees that campaign work could not be done on union time. Mr. Nash was asked about the statement in the Nash memo about Mr. Muehlenkamp and the Organizing Department. Mr. Nash stated that his reference to Mr. Muehlenkamp as a "full time campaigner" meant, in substance, that Mr. Muehlenkamp was committed philosophically to Mr. Carey's reelection, and asserted that he did not mean that Mr. Muehlenkamp was campaigning on union time. Mr. Nash stated that he felt it was important to communicate Mr. Muehlenkamp's support to Mr. Carey because more than any other staff member, Mr. Muehlenkamp was disliked by certain headquarters staff who believed that organizing should be done by local unions without IBT headquarters interference. They were urging Mr. Carey to get rid of Mr. Muehlenkamp. Mr. Nash stated, in substance, that he used the memo to let Mr. Carey know Mr. Muehlenkamp's importance to his reelection. Mr. Nash described the specific language to refer to Mr. Muehlenkamp as an exercise in hyperbole.

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<sup>3</sup>Mr. Carey was convalescing at home after knee surgery.

When asked to describe Mr. Muehlenkamp's involvement in Mr. Carey's 1996 campaign, Mr. Nash described Mr. Muehlenkamp as an active volunteer who spoke to Mr. Nash at the campaign headquarters each day for 15 to 20 minutes. Mr. Nash knew about the IBT's long running effort to organize workers at Overnite Transportation, and he received information from Mr. Muehlenkamp about the campaign. Mr. Nash was interested in the Overnite Campaign because, as would be true for any elected official, the case for re-election would be strengthened by good performance in office. Thus, Mr. Nash did ask Mr. Muehlenkamp to put organizing resources into the Overnite campaign and to hire temporary organizers. Mr. Nash stated, however, that the Overnite campaign had begun long before the Carey reelection campaign and, as he understood it, the activity on this organizing campaign was driven by set dates for representation elections at particular Overnite facilities and other similar events, and not by the needs or requests of the Carey campaign. Mr. Nash stated that he did not receive any reports from Mr. Muehlenkamp on where organizers were assigned.

After the convention, when Mr. Nash was organizing the campaign's ground operation, he relied on a number of people to identify volunteers for targeted areas. Among those people was Mr. Muehlenkamp. Mr. Nash said he did not know that anyone in organizing had ever been assigned to do campaign work on union time, although he understood that organizers could work for the campaign in their off-hours from their assigned locations. Mr. Nash stated that he believed that the Organizing Department did not do anything during the campaign that was different than its usual business.

Mr. Nash made clear that his knowledge pertained solely to the initial election. He did no work for anyone in the Rerun Election after the Election Officer issued the decision in Cheatem in August 1997.

## 2. Testimony of Bob Muehlenkamp

The Election Officer interviewed Mr. Muehlenkamp under oath. He was questioned extensively about the Nash memo's reference to him and his activities. In the initial and rerun elections, Mr. Muehlenkamp flatly denied that considerations of supporting the Carey Campaign played any role in the deployment of Organizing Department staff, either before the 1996 election or during the rerun. He denied the characterization of him in the Nash memo as a "full-time campaigner." While he readily admitted that he supported Mr. Carey, and that he discussed with Mr. Nash where organizers were assigned, he denied conferring with Mr. Nash about selecting where to assign organizers or about pulling organizers off legitimate union activities to work on the Campaign. Concerning his actual work for the Carey Campaign, Mr. Muehlenkamp testified that he took several weeks of vacation time during the initial election to campaign. Other than that, Mr. Muehlenkamp testified that he campaigned only on his own time. He denied using IBT resources — staff, travel, photocopiers, facilities — for any campaign purposes.

### 3. Analysis of Organizers' Time and Expense Records

The Election Office requested and received copies of time and expense records from August, 1997 through March, 1998 for organizers under Mr. Muehlenkamp's supervision. These were reviewed to determine whether the actual assignments and work correlated with ongoing organizing campaigns or whether, as alleged, organizers were deployed without regard to legitimate union considerations to be available to support the Carey Campaign. The time records show that Mr. Muehlenkamp assigned organizers to work on IBT organizing drives that had started well before the election campaign and, in the case of Overnite, before Mr. Carey's tenure. The time and expense records reflect that individual Organizers reported a full schedule of IBT work for each of their assignments. The work reported was corroborated by interviews with the individual organizers.

Moreover, the Election Office requested and received copies of Organizing Department's annual budgets for 1996 through 1998, and the quarterly reports of the Organizing Department to the IBT General Executive Board for April 1996, September 1996, January 1997 and June 1997. These reports outline the major campaigns and goals of the Organizing Department. The Election Officer's review of these reports shows that the goals and priorities of the Organizing Department remained consistent from year to year, without deviations during the campaign periods. The assignment of the organizers was also consistent with the major campaigns and goals set forth in these documents.

### 4. Conclusion

Mr. Muehlenkamp has considerable discretion in the assignment of organizers to different locations. Organizers are assigned all over the country, sometimes for as briefly as for a day or two to investigate the potential for a developing organizing campaign, or for as long as several months to do organizing work in anticipation of a representation election or, after an election, for contract negotiations. The Election Officer has not identified any instance where an organizer was assigned to a location where there was no legitimate Union work to do. Even if organizers engaged in campaign activity while in their assigned locales, the evidence would not support finding a violation because it does not show campaigning on IBT-paid time. The records and testimony show the organizers performing legitimate union activity, with no anomalies in location or duration of assignments.

The protester's argument that the Carey administration's enlargement of the IBT Organizing Department should be deemed a subterfuge for creating an anti-Hoffa field staff using IBT resources deserves only a brief mention. Without question, the organizing of unorganized workers is legitimate union business. The records and testimony gathered in this investigation show that union resources were devoted to organizing through Mr. Muehlenkamp's department. Without evidence that this effort was a sham -- and the evidence is to the contrary -- the Election Officer will not second-guess the policy choice reflected by the IBT's management decisions about this department. Candidates are free to debate whether the concentration of union resources in the Organizing Department was appropriate, or whether

organizing should be approached differently. But the existence of the department, and the decision to fund and support its operations consistent with legitimate union priorities, is not a *Rules* violation.

## **B. Specific Incidents of Alleged Misconduct Involving Local Unions**

In the course of the investigation, the protester cited a number of specific incidents in support of his allegation that the improper use of Union resources, as evidenced by the Nash Memo, has continued into the rerun campaign. These allegations are addressed below.

### 1. IBT Staff Campaigning against Pro-Hoffa Candidates in Local 745 Election

The protester alleges that the Organizing Department has continued to send organizers into particular areas to be available to campaign for Ron Carey or for anti-Hoffa candidates. The only specific allegation is that the Organizing Department sent five IBT staff members to Local 745 in Dallas, Texas for eight weeks to campaign against pro-Hoffa candidates who were running for Local Union office. (Local 745 was coming out of a trusteeship and elections were being held for Local Union officers. The ballots in that election were mailed on March 5, 1998, and were counted on March 27, 1998.)

To the extent that the protest alleges specific allegations of IBT interference in local union officer elections, such allegations are outside the Election Officer's jurisdiction. See *Rules*, Article I; Ryan, P-1149-LU150-CSF (November 2, 1996). The argument that the defeat of pro-Hoffa candidates in local union elections would indirectly assist anti-Hoffa forces in the International officer election is too attenuated to bring this area of conduct within the Election Officer's jurisdiction. Therefore these allegations were investigated only to determine if the conduct somehow interfered directly with the International officer election or reflected a use of IBT resources to campaign in the Rerun Election.

The IBT staff members alleged to have been assigned to Local 745 for the purpose of campaigning against the pro-Hoffa candidates were Scott Cunningham, IBT representative; Hugh Thompson, IBT representative; Jim Buck, IBT representative and former Local 745 trustee; Bob Monroe, IBT representative; and Tim Ratier, who is assigned to Field Services. J. D. Potter, president of Local Union 19, confirms that Messrs. Cunningham, Thompson, Buck, Monroe, and Ratier were in Dallas in March 1998. Mr. Potter states that they were assigned to work with Richard W. Nelson, IBT Freight Division Director. In February and March, 1998, the IBT organized an information campaign to the membership to win approval of a new National Master Freight Contract. This Campaign was a major IBT undertaking. After the negotiations were completed and before the ratification vote, Freight Director Nelson went to many of the major freight locals around the country to explain the contract. On March 7, 1998, he held such a meeting at Local 745, the largest freight local in the IBT covering the largest geographical area. Messrs. Thompson, Cunningham, Monroe and Ratier went as an advance team to Local 745 a week before the meeting to explain the contract to the membership at the terminals, to generate interest in the vote, and to encourage their attendance at the meeting with

Mr. Nelson. The March 7 meeting was conducted by Mr. Nelson. Glenn Davis (an IBT Representative assigned to the Freight Division), Sam Carter (negotiating committee member and Trustee of Local 745), Dave Eckstein (IBT Field Services Director), Jim McCall (IBT Attorney) and the members of the advance team all attended. On March 8, 14, 15, 21 and 22, 1998, similar meetings were held throughout the country. The advance team varied from local to local, but the individuals who conducted the meeting were similar, or even identical to, those who conducted the March 7 meeting at Local 745.

Regarding the alleged improper campaign activity of the advance team members, Mr. Potter stated that he heard from stewards at Yellow Freight and Consolidated Freight that the IBT staff members were going into the break rooms at Yellow Freight and Consolidated Freight and campaigning for anti-Hoffa candidates in the Local Union 745 election.<sup>4</sup>

Marion Yale was interviewed by the investigator. He became a business agent for Local 745 after the Local's March 27, 1998 election. He alleges that on January 27, 1998, Mr. Ratier was campaigning for the Local Union's pro-Carey slate, headed by Cliff Bauerle, at the Roadway terminal in Fort Worth, Texas. Mr. Yale alleged that Mr. Ratier was in the break room at Roadway purportedly to sign up members in support of the National Master Freight Agreement, but was instead campaigning for Mr. Bauerle's slate. He stated that Mr. Ratier did not have campaign literature with him, but was talking about Mr. Bauerle's slate. Thus, if one accepted Mr. Yale's allegation completely, Mr. Ratier would have been campaigning in the Local Union 745 election and would not have engaged in campaigning on behalf of an International officer candidate.

The Election Office interviewed Mr. Ratier who is a Field Coordinator working for the Field Services Department. He denies campaigning for Cliff Bauerle or his slate while at the Roadway terminal. He states that although he is a member of Local 745, he did not campaign for, or make a contribution to, any candidate or slate. He says that he followed IBT policy to stay out of Local Union business.

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<sup>4</sup>Mr. Potter declined to identify the stewards by name, stating that they were not willing to come forward. He did identify them, however, as the individuals who had filed affidavits in a pre-election protest concerning the Local Union 745 election. The individuals were identified from that protest file and their allegations were taken from those records as well.



Mr. Ratier states that as a result of the protest filed by Mr. Yale, he was called by Field Services Director Eckstein, and questioned about whether he was campaigning in the Local Union election. Ultimately, Mr. Ratier was removed from the Dallas/Fort Worth metropolitan area at the request of Trustee Sam Carter and was assigned to the outlying rural areas of Texas. This action is confirmed in a letter from Mr. Carter to Mr. Yale, dated February 17, 1998, which states, in part: "I have discussed [your protest] with Mr. Ratier and he denies your alleged charges. However, due to the effect this could have on this election, I talked with Dave Eckstein and requested that Brother Ratier be restricted from visiting the freight barns in the Dallas, Fort Worth areas for the duration of this campaign."

Ronnie Congleton was the other steward who allegedly stated that IBT organizers were engaged in improper campaign activity pertaining to the International election. He was interviewed by the investigator. He alleged, based on the information he received from William Trigg, that on March 1, 1998, IBT Representative Cunningham was campaigning for Terry Devereaux, a member of the Cliff Bauerle slate.<sup>5</sup> As with Mr. Yale's allegation, the conduct, even if true, only involved the Local Union 745 election, not the International campaign or candidates.

In his statement to the investigator, Mr. Trigg described the incident. He stated that he and Mr. Cunningham struck up a conversation at a Wendy's Restaurant. Mr. Cunningham told him that he was from Oklahoma and had worked for Roadway for 30 years and that he was going to Roadway to do a little campaigning for Terry Devereaux for the next few days. Mr. Cunningham stated that he knew Mr. Devereaux because they had worked together on the Overnite Campaign. Mr. Cunningham gave Mr. Trigg one of his business cards to give to Mr. Devereaux. Mr. Trigg stated that Mr. Cunningham did not ask him whom he was supporting in the local officer election and did not encourage him to support Mr. Devereaux.

According to Mr. Cunningham and Bobby Monroe, a project organizer assigned to the Overnite campaign, they traveled on Sunday, March 1, from Oklahoma City to Dallas, Texas, to work on getting members to attend the March 7 meeting with Mr. Nelson regarding the Master Freight Agreement. They encouraged members to attend the meeting by going to the terminals of the drivers covered by the Master Freight Agreement and talking with them in the break rooms. Both Mr. Monroe and Mr. Cunningham denied campaigning for or against any of the candidates or slates in the Local 745 election. In response to the specific allegation, they stated that on Sunday, March 1, they went to a nearby Wendy's restaurant wearing their Teamster jackets. At the restaurant, they struck up a conversation with a Mr. Trigg, who worked at the nearby Roadway terminal. According to both Mr. Monroe and Mr. Cunningham, Mr. Cunningham asked Mr. Trigg if he knew Terry Devereaux. Mr. Trigg said that he did. Mr. Cunningham then gave Mr. Trigg his card and asked him to tell Mr. Devereaux hello and to give him a call. According to Mr. Cunningham, he did not know that Mr. Devereaux was a candidate in the local officer election for Local 745.

<sup>5</sup>Ronnie Congleton defeated Cliff Bauerle and was elected the principal officer of Local Union 745 on March 27, 1998.

Mr. Trigg reported this as an allegation of improper campaigning by Mr. Cunningham to Local 745 Trustee Carter. Mr. Carter in turn called Aaron Belk, Executive Assistant to the General President, and had Mr. Trigg repeat his allegations directly to Mr. Belk, first by telephone and later, at Mr. Belk's request, in an affidavit to the Trustee of Local 745. Mr. Belk stated that "[w]hat we are not going to have is campaigning on the International's payroll. We will not have anyone from the International campaigning or involved with Local Union politics and will not tolerate it."

As a result of the Local 745 pre-election protest, Trustee Carter required that IBT Staff representatives working on the National Master Freight campaign report to the Local 745 union hall before going to the freight terminals and arranged for Local 745 business agents to accompany the IBT staff representatives to the freight terminals. The idea was that two business agents, one aligned with each Local Union slate, would accompany the IBT staff representatives to insure that they did not interfere with the Local Union election. The IBT staff representatives did report to the Local Union hall before going to the freight terminals. In fact, however, a business agent for each candidate did not always meet the IBT staff representatives or accompany them to the freight terminals.

No specific allegations of campaigning were made against Hugh Thompson or Jim Buck. Mr. Thompson is an International Representative working out of St. Louis, Missouri. In January and February 1998 he worked on the National Master Freight Agreement and the Anheuser- Busch campaign in the St. Louis area. In his interview with the Election Office, Mr. Thompson confirmed that he worked on the National Master Freight Agreement out of Local Union 745 before the March 7, 1998 meeting and then did the same work in Atlanta out of Local Union 728 prior to the March 14, 1998 meeting. He stated that as the Field Coordinator for the Freight Campaign, upon arriving at Local Union 745 and learning of the protest filed against Mr. Cunningham and Mr. Monroe, he counseled both Mr. Cunningham and Mr. Monroe not to campaign on behalf of Local Union candidates at Local 745.

Mr. Buck was not the subject of any specific allegations of campaigning on behalf of any candidates for Local Union office and it does not appear that Mr. Buck was significantly involved in the Freight Campaign at Local 745. Mr. Buck was living in Dallas, Texas at the times relevant to this protest and was recovering from cancer at the time of the investigation. He was not interviewed.

The evidence fails to support the protester's allegation that the Organizing Department, or any other department of the IBT, assigned staff to work at Local 745 in February and March 1998 for any reason other than as part of the ongoing National Master Freight Contract Campaign. The assignment of staff was identical or substantially similar to the assignment of staff to other freight locals throughout the United States in the week preceding the arrival of Mr. Nelson and his staff to explain the contract. There was no evidence presented that the timing of the freight contract meeting at Local 745 was intended to provide the opportunity for IBT staff members to campaign at the Local for anti-Hoffa candidates.

## 2. Two IBT Organizers Campaigning in Denver for Ron Carey

The protest alleges that after the decision in Cheatem on August 21, 1997 and before Mr. Carey was disqualified, the IBT sent two organizers to Denver, Colorado supposedly to work on the Overnite campaign, but in fact to campaign for Mr. Carey.

Two witnesses were identified as having knowledge about organizers campaigning for Carey in Denver. One of the witnesses was contacted on several occasions but failed to keep appointments to be interviewed by a representative of the Election Officer.

The second witness was interviewed and stated that two Overnite organizers came to Denver at the request of Local Union 17 members who wanted to assist in the Overnite campaign and felt that their Local Union was not being helpful with the efforts to organize Overnite. The organizers met with four volunteer organizers from Local 17 in the lobby of a hotel. The witness could not remember the name of the two organizers. He stated that during their initial meeting the organizers commented on the Hoffa jacket worn by one of the volunteers and a Hoffa T-shirt worn by another volunteer. The IBT organizers stated that they should be for Carey, but the volunteer organizers responded that they were for Hoffa.

The next day the witness met with the two organizers across the street from the Overnite terminal. They chatted about "ordinary 'BS'" and the organizers again talked about Mr. Carey. This was the last time the witness saw the two organizers.

The evidence does not support the allegation that the Organizing Department sent in organizers to Denver, Colorado in October 1997 to campaign for Mr. Carey. At most, the evidence shows that the organizers may have stated their support for Mr. Carey in the course of their work. It was not possible to investigate the allegation in detail because of the vagueness of the information given, but even under the version given by the witness, it appears that the remarks made were incidental to the organizers' work and did not constitute improper campaign activity. Thus there is no violation of the *Rules*.

## 3. Organizing Department Meeting at the Meany Center

The protester alleges that a meeting was held at the Meany Center on March 8, 1998 among a group of core Carey supporters in the Organizing Department. Mr. Muehlenkamp allegedly called the meeting to establish the same campaign structure within the Organizing Department that was used in the 1996 election and to exact monetary contributions from his staff.

The investigation revealed that in January 1998, Mr. Muehlenkamp told his staff about a meeting to be held at the Meany Center. According to him, the IBT had begun to develop a group of 10 or 15 people who excelled at organizing and who were beginning to act as team leaders or lead organizers. He wanted to hold the March meeting to further train this group of organizers and to plan the organizing priorities for the year. Every Organizing Department staff

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member based in Washington — Mr. Muehlenkamp, Gloria Stewart, John August, Gary Stevenson, Cathy Thomas, Patrick Lacefield and Gail Sullivan — was invited. The other six invitees — David Sword, Doreen Gasman, Lorene Scheer, Cet Parks, Rob Hill and Bob Marshall — were all identified by Ms. Stewart and others as “lead organizers.” Mr. Muehlenkamp testified that he “went through the list of all the staff and just thought, well, who either has been playing this role or is sort of working into it or who do I want to start putting into this role. That's all it was.”

A brief description of the attendees, and their credentials in the organizing field, is as follows:

Gloria Stewart is the administrative assistant to the Organizing Director.

Gary Stevenson is an Organizing Coordinator. He has been in charge of the Overnite Campaign since January, 1996. He reports directly to the Freight Division, not to the Organizing Department. He generally works out of IBT headquarters in Washington, D.C., and occasionally works in Florida and New York.

John August is the second Organizing Coordinator. For the year preceding the meeting, Mr. August was responsible for many of the other major IBT organizing campaigns, including the Delta mechanics, Continental Airlines, the Apple Warehouse campaign and the St Joseph Hospital campaign. He works out of IBT headquarters in Washington, D.C., but traveled to Houston, Atlanta, Los Angeles, Phoenix, Las Vegas and Yakima, Washington. Mr. Muehlenkamp identified Mr. August as being an active Carey supporter.

Patrick Lacefield is the Communications Coordinator for the Organizing Department, working mostly out of IBT headquarters, but traveling to work on some of the major campaigns, such as the Federal Express and Apple Warehouse campaigns.

David Sword is an International Representative, working out of Portland, Oregon. His major assignments in September and October, 1997 were the first contract campaigns at America West Airlines, the Los Angeles Unified School District, and K-mart. His other assignments included the officer elections in Local 890 and Local 31. He provided assistance to Locals 528, 912 and 679. Mr. Muehlenkamp identified Mr. Sword as being an active Carey supporter.

Cathy Thomas is an International Organizer. She works mostly out of Chicago, with regular trips to Washington, D.C. Her major assignments were focused on first contract campaigns for warehouse workers, including Jewel and K-mart. Her work was spread out in many different campaigns, including the Capitol Hill Police. Mr. Muehlenkamp identified Ms. Thomas as being an active Carey supporter.

Doreen Gasman is an International Representative with a home base in Florida. From February 1997 to February 1998 she worked on the Delta Organizing Campaign in Atlanta, Georgia. She was the lead organizer in the major campaigns at Delta Airlines, Continental

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Airlines and, for a short time, St. Joseph Hospital. Mr. Muehlenkamp identified Ms. Gasman as being an active Carey supporter.

Lorene Scheer is an International Organizer, the campaign director for Teamster/United for Change in charge of the campaign to organize the apple warehouses in the State of Washington. Mr. Muehlenkamp identified Ms. Scheer as being an active Carey supporter.

Gail Sullivan is a Project Organizer, working mostly in Washington, D.C., coordinating the activities of volunteer organizers.

Cet Parks is an International Organizer who was hired in 1997. In September and October 1997, he was assigned to the Maryland Correctional Security Employees Campaign in the Baltimore and Washington, D.C. area. In November 1997 he began working on the Georgia Port Authority Campaign in Savannah, Georgia. In January 1998 he began working on the AirTrans Campaign at Logan Airport in Boston, Massachusetts. In February and March 1998, he worked on three separate campaigns — AirTrans, the Southern Sanitation Waste Management Campaign in Four Lauderdale, Florida and the PPG Campaign at Local 61 in North Carolina.

Rob Hill is an International Organizer who was hired in 1997. He has worked on numerous campaigns since his hire.

Bob Marshall is an International Organizer who was initially on the list of invitees to the March meeting, but was on vacation from March 1 through March 23, 1998. His assignment from September 1997 through February 1998 was in Los Angeles, working on the Executive Parking Lot Campaign and the L.A. Unified School District, and in San Francisco, working on a hospital organizing campaign. Mr. Muehlenkamp identified Mr. Marshall as being an active Carey supporter.

According to Mr. Muehlenkamp, there is no list that officially designates individuals as lead organizers or team leaders, nor do lead organizers receive any additional compensation. The exact identity of the lead organizer is not always clear and can change throughout a campaign. Mr. Muehlenkamp identified the following as major IBT organizing campaigns for 1996, 1997 and early 1998: LA Unified School District, Maryland Correctional employees, Washington Gas, Overnite, Federal Express, Delta Airlines, Continental Airlines, Apple Warehouse employees, Capitol Hill Police, Los Angeles Area Manufacturing Project, America West, PP&G, K-mart, St Joseph Hospital, and Airborne.

Thus it appears that the organizers invited to the meeting from outside the IBT headquarters were all lead organizers, with the exception of Rob Hill. All lead organizers were invited, with the exception of Melba Coffman. As to Ms. Coffman, Mr. Muehlenkamp had no explanation: “ I went both ways as to whether to invite her to this, frankly. I just made a judgment call.”

There was not a lot of internal documentation on the Meany Center meeting. Although the witnesses testified that Executive Assistant to the President Aaron Belk imposed tight controls on expenditures, there is no written approval from Mr. Belk of this meeting. There is a February 2, 1998 memo from Mr. Muehlenkamp to Mr. Belk confirming their conversation in which Mr. Belk orally approved an "Organizing staff meeting." The advance approval for air travel was approved by a "B/G" (Gloria Stewart's normal Organizing Department approval) and by Kathy Maroney in Mr. Belk's office.

All conference attendees, with the exception of John August and Rob Hill, were interviewed.

The evidence they gave about the substance of the meeting is fairly consistent. The meeting began on the afternoon of Wednesday, March 4. Mr. Muehlenkamp and Mr. Stevenson testified that at the beginning of the meeting, Mr. Muehlenkamp gave an extensive report on the situation in the Union, including the grand juries, the legislative activities, the IRB, and the Election Office investigations. He reminded everyone that their job was to stick to the organizing agenda and to leave politics out of the meeting, given the likelihood that an objection would be filed over the meeting. He said that the meeting was about organizing. On their free time in Washington they could do whatever they wanted, but it would be under "strict scrutiny." This statement is corroborated by Mr. Stevenson.

The meeting sessions during the days were general discussions about the various campaigns, organizing techniques, and plans for the future. None of the witnesses testified to any group discussion during the sessions about matters pertaining to the International officer campaign, nor was there any free time when a small group could have met to meet to discuss campaign strategy. On the evening of the first day, after dinner, the group gathered in the bar and there did discuss the upcoming election, speculating as to who the candidate might be who would replace Mr. Carey. There was no evidence of any discussion at that after-hours gathering about the role that organizers might play in the campaign.

Mr. Muehlenkamp specifically denied any discussion about the importance of having Organizing Department staff strategically placed around the country to function as a network of campaign workers.

A Meany Center staff member first told the Election Office investigator that Mr. Stevenson had told her that he was concerned that the meeting was called to discuss campaign politics, that Mr. Muehlenkamp had in the past flown in staff members under the guise of holding a legitimate meeting when the real purpose of the meeting was something different, and that there was discussion at the Meany Center meeting about internal union politics and who was going to run. When examined again under oath, however, she stated that Mr. Stevenson told her the political discussion happened in the evening and that the time that Mr. Stevenson allegedly told her he thought that Mr. Muehlenkamp had flown staff people in on a pretense was the convention planning meeting that was the subject of P-812-IBT-NYC (August 16, 1996) (The Election Officer found that a June 2, 1996 staff meeting was not a pretext for a campaign meeting.) Under oath, Mr. Stevenson denied that any inappropriate discussion occurred and

stated that he was not uncomfortable or concerned with any discussion during the Meany Center meeting, other than being disappointed and concerned about the developments in the union.

The Election Officer has taken testimony and statements from almost all of the individuals who attended the Meany Center meeting, and from the Meany Center staff member who allegedly heard of a possible impropriety. This evidence shows that the meeting involved legitimate union business. The evidence does not support the allegation that the Meany Center meeting involved improper campaign activity.

#### 4. Slate Meeting in the IBT Building

The protester alleges that on an unknown date, there was a meeting held at IBT headquarters devoted to campaigning that was attended by many members of the Carey Slate. The protester contends that Tom Leedham, currently a candidate for general president, had been trying to put a slate together and he and others were going to meet in the IBT building, and that Mr. Belk was not at the meeting but when he heard of it, he ordered security to remove the attendees from the building.

There is no support for any of the protestors' allegations. Mr. Belk denies all knowledge of a meeting, or that he had participants in such a meeting removed from IBT headquarters. He testified under oath that the only incident he could identify even vaguely related to this allegation concerned a slate meeting that was held in January or February 1998 on the day of a General Executive Board ("GEB") meeting. After the GEB meeting, Mr. Belk was in his office going through papers and found the announcement of the slate meeting. He had not known of it previously and no one had mentioned it to him during the course of the day. The meeting was taking place outside of the IBT building just at the time he discovered the notice. Mr. Belk says he complained to some people in the building that he felt he was being left out.

IBT building security records for January, February and March were reviewed, but they do not show any date when people on the erstwhile Carey Slate were in the building after hours or on a weekend.

#### **IV. Conclusions**

Article XII, Section 1 of the **Rules** prohibits a labor organization from contributing, "directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate. No candidate may accept or use any such contribution. These prohibitions extend beyond strictly monetary contributions made by a labor organization and include contributions and use of the organization's stationery, equipment, facilities and personnel." If IBT organizers or other staff were deployed for the sole purpose of supporting Ron Carey or any other candidate for International Office, a violation of the **Rules** would lie.

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After a review of time records for a number of organizers, depositions of numerous pro-Carey organizers who were active Carey supporters, including a review with the organizers of their assignments over the past several years and a comparison with information about the organizing priorities of the union, the Election Officer has not identified any instance where an organizer has been assigned to a location where there is not legitimate union work going on. The investigation revealed no instance in which an organizer legitimately assigned has improperly campaigned for Mr. Carey or another anti-Hoffa candidate for International office during union paid time. As noted, allegations of specific conduct at Local Union 745 and Local Union 17, even if taken as true, do not involve the International officer election and are therefore outside the Election Officer's jurisdiction.

The investigation found that the organizing meeting at the Meany Center was not called to discuss the strategic placement of organizers to assist anti-Hoffa candidates in the rerun election. The investigation found no evidence that a candidate slate meeting was held on IBT property.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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:

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, 444 N. Capitol Street NW, Suite 445, Washington, D.C. 20001, facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Barbara C. Deinhardt, New York City Protest Coordinator



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J. Griffin Morgan, Regional Coordinator