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July 8, 2010

The Honorable Loretta A. Preska
Chief Judge, United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007
Via facsimile to: (212) 805-7941

Re: *United States v. International Brotherhood of Teamsters*, Civ. No. 88 Civ. 4486

Dear Judge Preska:

We respectfully request consideration of this late-filed reply. The calendaring of the deadline was a casualty of my son's wedding on June 5, 2010, the rehearsal dinner that preceded it, and the post-wedding celebrations with out-of-town family that followed it.

The Government has made two points in response to TDU's objections, both on nonsubstantive grounds.

In response to the Government's first point, to the effect that TDU lacks standing as a party to make objections to the proposed *Rules*, we note that we stand before the Court as a prospective *amicus* and have not asserted the standing of a party.

In response to the Government's observation that TDU has not raised any procedural objections to the formation of the proposed *Rules*, TDU agrees that this is correct. To the best of undersigned counsel's knowledge, no party or *amicus* has raised a procedural impediment to the propriety, under the terms of the Election Agreement, of approving the *Rules* proposed by the parties to the Consent Decree. Our objections are substantive, not procedural.

Our objections will surely be of interest to the Court, because we bring a different perspective to the business at hand, one that is not represented by the parties, sophisticated as they clearly are: that is, the perspective of the members themselves. This perspective provides insights into how it may be possible to modify the *Rules* to more effectively implement the basic goal of the Consent Decree: to create a democratic framework for the selection of union officers, that may be relied upon to keep the International Union free of racketeering influences. The premise was that, if empowered by democratic and fair campaigns and elections for International Union office, members would be able to distinguish honest candidates from dishonest ones, and

would elect the honest ones. The long-term success of the Consent Decree thus rests directly on informed voting, in which members are able to get enough information about the opposing candidates to choose wisely, and on the dissemination to members of the information they need to make wise choices.

The insights that TDU hopes it brings before the Court are thus of potentially substantial importance to the ultimate success of the Consent Decree. In these rulemaking proceedings, TDU is the only entity before the Court that represents the membership – the very group intended to be nurtured by the Consent Decree into the fundamental source of power within the International Union.

The Government, while it is attempting to protect the interests of the members, may be unable to assess, from afar, how well the *Rules* actually function. The International Union, while it represents the members in bargaining and contract administration, succumbs to the personal interests of its elected leaders, in the context of their own campaigns to retain their union offices. Neither of the parties to the Consent Decree are well-equipped to ensure that the Court is presented with the concerns and suggestions of the members themselves. TDU exists for that very purpose. It has worked actively to help rank-and-file members participate in these supervised campaigns in every election cycle under the Consent Decree. It is uniquely well-suited to propose modifications of the *Rules* to afford insurgent candidates and slates more realistic opportunities to challenge the powers of incumbency in a huge national union.

For these reasons, TDU respectfully requests that the Court grant TDU's motion to appear as *amicus curiae* for the purpose of considering its suggested modifications of the proposed *Rules*.

Very truly yours,



Barbara Harvey

cc: Hon. Kenneth Convoy
Brian M. Feldman, Esq.
Bradley T. Raymond, Esq.
Richard W. Mark, Esq.
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