

IN RE:

ALEXANDRA POPE

00 - Elec. App. – 003 (KC)

This matter is an appeal from the Election Administrator's decision, dated August 1, 2000, Office of the Election Administrator Case No. PR-060502-NA, Protest Decision 2000 EAD 4. The request for a hearing was filed by Michael Goldberg, Esq., on behalf of the protester Alexandra Pope, on August 4, 2000.

A hearing was held before me on August 10, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, for the Election Administrator's Office; Mr. Bill Thompson, Election Administrator's Investigator; Mr. Goldberg, on behalf of the appellant Ms. Pope; Bradley Raymond, Esq. for the International Brotherhood of Teamsters; Karen Utter, Esq. for the International Brotherhood of Teamsters and Mr. Jon Rabine on behalf of Teamsters Joint Council 28.

Ms. Pope asserted in her protest that the IBT engaged in improper campaigning and use of union resources through attacks on Tom Leedham, Secretary-Treasurer of Local 206, and an official of Joint Council 37, in various union publications, in violation of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("Rules"). She identified specific references to Leedham in three publications: The December 1999 issue of the IBT's Teamster Warehouse News, the January/February 2000 issue of the IBT's The Teamster and Joint Council 28's February-April 2000 issue of Washington Teamster. Ms. Pope claims that

Leedham was attacked in these publications because he is a candidate for General President, and that, accordingly, applying union resources to this political purpose violated the Rules.

Ms. Pope's attorney, Michael J. Goldberg, Esq., in a letter to the Election Appeals Master dated August 14, 2000 makes a more generalized claim that the facts support a finding that the decision of the IBT "to extend picketing from a labor dispute in Phoenix, Az. to Portland, Or. was [] part of an effort to discredit candidate Tom Leedham by placing him and the Joint Council with which he was affiliated in a position where they were 'damned if they did and damned if they didn't'", at 1.

The protest further states that the articles in question contain lies and were clearly published to damage Tom Leedham's reputation and support in future campaigns.

The Election Administrator determined that a) Leedham was a candidate at the time of the complained of press coverage, and b) upon a careful review of the text and circumstances surrounding publication of the articles, they constituted non-election related criticism, fair or otherwise, of his formal role as a Teamster official in a labor dispute. Accordingly, the protest was denied.

Ms. Pope appealed. At the hearing, no one challenged the Election Administrator's very well reasoned threshold finding that Leedham was in fact a candidate at the time of publication and entitled to protection of the Rules.

We need not tarry long on the largely uncontested facts established by the Election Administrator's investigation. Those interested in reviewing these meticulous findings are directed to pages 13-21 of the Election Administrator's decision in this matter. In substance,

Local 104 struck a major employer in Tolleson, Arizona in October 1999 with the full support of the IBT international executive and operational resources. A strategic decision was made to extend picketing to Portland, Oregon. Tom Leedham, as noted, an officer of Joint Council 37 in the Portland area, refused to support the initiative of the IBT leadership.

The articles in question all related to this extraordinary controversy that implicated IBT national policy and leadership, and the acrimonious and high profile resistance of local authority to that policy and leadership. They constitute fair comment on Leedham's formal adversarial role in the picket extension controversy, particularly since Leedham apparently supported a decision to have members from his jurisdiction actually cross a picket line set up by fellow members from other jurisdictions. The settled facts indisputably support findings that these articles were motivated by the commitment of the International leadership to a) support striking members in Local 104 b) bring lawful pressure upon a major national employer to end bleeding of warehouse jurisdiction and c) attack and limit what it reasonably believed to be resistance to these objectives by a subordinate Teamster entity, or discourage such rebellious behavior in connection with International policy initiatives in the future.

The decision of the Election Administrator is, accordingly, in all respects affirmed.

Kenneth Conboy
Election Appeals Master

Dated: August 29, 2000