The Tom Leedham Rank and File Power slate (the “Leedham slate”) filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“Rules”). It alleges the IBT, General President James P. Hoffa, South region vice president Tyson Johnson and the Local 728 Unity slate conspired together to retaliate against Don Scott, Greg Charron and Richard Black at least in part for their support of opposition candidates in the delegate and international officer election. The protest further alleges that Tyson Johnson solicited cash contributions from at least one 728 Unity slate member in exchange for insuring that the retaliation was carried out.

Election Administrator representative Jeffrey Ellison investigated the protest.

**Findings of Fact and Analysis**

Don Scott is president of Local 728, Greg Charron serves on the local’s executive board as an elected trustee, and Richard Black is the secretary-treasurer. All three have declared their political support for the Leedham slate. Waymon Stroud, Sr. is vice president of the local; he served as president for some 15 months while Don Scott was suspended from office. Stroud is a member of the 728 Unity slate; that slate supports the Hoffa Unity slate.

Earlier this year, Stroud filed internal union charges against Scott, Charron and Black, alleging they incurred union expense without proper authorization. The charge contended Scott incurred telephone and fax expenses in communicating with the lawyer who represents him and Charron in a lawsuit against the local. The lawsuit arose from Scott’s suspension from office. Black is charged with approving the expenditure of union funds for such purpose.

Scott filed internal union charges against Stroud as well. Scott’s charge contended that Stroud incurred union expense for communicating with a lawyer without proper authorization.

When the instant protest was filed, the internal union charges were pending hearing to begin July 23, 2001 before the Georgia-Florida conference.
The protest claimed that members of the 728 Unity slate met with Johnson and Hoffa at the IBT convention held in late June in Las Vegas, Nevada. The protest asserts that the meeting participants agreed on a plan that would see each of the charged parties, Scott, Charron, Black and Stroud, found guilty of the charges laid against them and suspended from office. With a majority of the local’s executive board thus suspended, the protest alleged, the local would be placed in trusteeship for a period of time. During the trusteeship, Johnny Gabriel would be given a position of prominence in the operation of the local such that, when the trusteeship was eventually lifted, Gabriel would enjoy favor with the membership that would assist his effort to win the presidency of the local in the election that followed.

The protest also alleged that when Johnson agreed to this plan, he solicited at least one cash contribution to the Hoffa slate for the express purpose of avoiding compliance with the Rules’ reporting requirements.

The only evidence the protestor presented to support its serious charge consisted of double and triple hearsay. Each of the members of the 728 Unity slate who attended the convention was questioned under oath, and each denied any meetings or gatherings in Las Vegas involving Tyson Johnson or James Hoffa at which internal union charges, trusteeship, local officer elections or cash contributions was discussed.

Several weeks before the convention, 728 Unity slate member Jimmy Walker wrote General President Hoffa advising of turmoil in the local associated with the fact that hearings had not been scheduled on the pending internal union charges. The letter requested the IBT’s assistance in resolving the local’s problems. Walker reported in the letter that some of the members he serviced were requesting a trusteeship.

On Friday, June 29, after the convention adjourned, Jimmy Walker and others attended a meeting convened by IBT representative Leo Deaner. Walker reports that Deaner said at this meeting that a trusteeship would not be good for the local and that the IBT did not desire or intend to impose one. Deaner also noted that, in the weeks since Walker’s letter, dates had been set for hearing on the internal union charges. Walker states he told Deaner he was satisfied that progress was being made in resolving the issues and that he was not, at that point, seeking any further assistance from the IBT. By the sworn account of each 728 Unity slate member with personal knowledge of the facts, this meeting was the sole instance in which pending internal union charges and trusteeship for the local was discussed in Las Vegas. The discussion was that the charges would be heard on a date certain and that no plans existed to place the local in trusteeship.

Accordingly, we DENY this protest for insufficient evidence at this time.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election
Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy  
Election Appeals Master  
Latham & Watkins  
Suite 1000  
885 Third Avenue  
New York, New York 10022  
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.  
William A. Wertheimer, Jr.  
Election Administrator

cc: Kenneth Conboy  
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