

ELECTION APPEALS MASTER

IN RE:

BOB HASEGAWA

01 Elec. App. 079 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 423, issued August 8, 2001. The appeal hearing was requested by Kenneth J. Pedersen, Esq. of Davies Roberts & Reid L.L.P., on behalf of Teamsters Local Union 174.

A hearing was held before me on August 17, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Kenneth Pedersen, Esq. of Davies Roberts & Reid L.L.P. on behalf of Teamsters Local Union 174; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; Barbara Harvey, Esq. on behalf of Bob Hasegawa and Bob Hasegawa, a candidate for Western Region vice president on the Tom Leedham Rank and File Power Slate.

The protester in this matter, Bob Hasegawa, a candidate for Western Region vice president on the Leedham Slate, has according to the Election Administrator, filed five protests prior to the events that led to the present protest. Only one of these five protests, all filed during the present election cycle, has been found to be well grounded, and that only partially.

The May-June issue of the Local 174 newsletter Front Line contained an article by Local 174 secretary-treasurer Scott Sullivan. In the article, which was headlined "Protest

Response”, Sullivan criticized Hasegawa’s asserted abuse of the protest system under the Election Rules by mocking him as a “chicken little” and “Peter the Boy Who Cried Wolf.”

This is entirely appropriate, fair comment on an issue of profound importance to rank and file members and voters, given Hasegawa’s troubling use of the protest process under the Rules. I emphasize that any candidate who without adequate basis formally accuses an elected union official of retaliation or abuse of office under the Rules is, under the circumstances of this case, a fit subject for criticism by that union official at a union rostrum or in a union periodical. See In re Darryl Sullivan and T.C. Stone, et al, 95 Elec. App. 2 (KC). Indeed, even in this most recent protest, candidate Hasegawa attacked, without basis, according to the Election Administrator, the expressed views of three Business Agents published in the same newsletter. The Election Administrator quite properly found that “Hasegawa is not immune by virtue of his international officer candidacy from any reporting that might reflect negatively on him, at least where the matters are reported in an appropriate journalistic manner and concern business matters of concern to the union’s members” Decision, 3-4. That finding applies as well to the Sullivan article.

As stewards of the Rules and their enforcement, we must be vigilant to do nothing to undermine the open channel for protests, even those ultimately found to be without merit. Equally, we must be vigilant to recognize those fortunately few cases where the protest process becomes politics by other means, and thereby impugns the integrity and neutrality of the IBT’s electoral system.

Accordingly, that portion of the election Administrator's decision that found a violation of the Rules is reversed, and the remedy ordered is vacated.

____s/Kenneth Conboy _____
Kenneth Conboy
Election Appeals Master

Dated: September 14, 2001