



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H Holland
Election Officer

June 26, 1991

(202) 624-8778
1-800-828-6406
Fax (202) 624-8792

Mr. Louis D. Riga
c/o Lake Buena Vista Hilton
Suite 864

R. V. Durham Unity Team
c/o Walt Disney World Dolphin Hotel
Room 9093

Re: Election Office Case No. Conv-11-IBT

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Election Rules*"). In his protest Louis D. Riga, an announced candidate for General President of the IBT, alleges that the *Election Rules* were violated by the R. V. Durham Unity Team ("Durham Unity Team") as a result of their distribution of campaign material to delegates on the floor of the IBT International Convention. A copy of the protest is attached hereto. The Election Officer's investigation of this protest revealed the following:

Mr. Riga alleges that copies of Durham Unity Team literature were placed on the delegates' chairs on the Convention floor prior to the start of the morning session of the Convention on Monday, June 24, 1991. Mr. Riga does not allege that the distribution of this literature disrupted the Convention, rather Mr. Riga contends that the distribution of literature on the floor of the Convention is violative of the *Election Rules*.

The *Election Rules* do not prohibit the distribution of literature on the floor of the Convention. However, the *Election Rules* prohibit discrimination against any candidate with respect to such distribution. Mr. Riga does not allege, and the Election Officer does not find, that he either sought or was denied the opportunity to place campaign literature on the chairs of delegates on the Convention floor.

Mr. Riga also alleges that the distribution of Durham Unity Team literature on the floor of the Convention was violative of

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Mr. Louis D. Riga
R. V. Durham Unity Team

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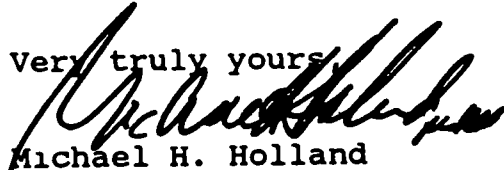
Article XII of the *Supplementary Election Officer Rules for the 1991 IBT Convention Floor Nominations, Nomination Voting, and Trustee Elections*, dated June 12, 1991 ("*Supplementary Election Rules*"). The *Supplementary Election Rules* do not prohibit the distribution of literature on the floor of the Convention. Such distribution is only prohibited in the Exhibit Hall.

However, the *Election Rules* and the *Supplementary Election Rules* recognize that the business of the Convention must be conducted free from disruption. As such, reasonable restrictions can be placed on the distribution of literature on the floor of the Convention if such restrictions are necessary to ensure that the Convention proceedings are not disrupted and such restrictions are not discriminatory on their face or as applied.

Based on the foregoing, the instant protest is DENIED.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their 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 filed with the Office of the Independent Administrator, IBT, c/o Walt Disney World Dolphin Hotel, Suite 1033, 1500 EPCOT Resort Boulevard, Lake Buena Vista, Florida 32810, Facsimile (407) 560-1370. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, c/o Walt Disney World Dolphin Hotel, Australia 3, 1500 EPCOT Resort Boulevard, Lake Buena Vista, Florida 32810, Facsimile (407) 560-1365. A copy of the protest must accompany the request for a hearing.

Very truly yours,


Michael H. Holland
Election Officer

Enclosure
MHH/lb

cc: Frederick B. Lacey, Independent Administrator, IBT

ELECTION OFFICER FORM
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ELECTION CONDUCT PROTEST FORM

IMPORTANT NOTICE: This form is for the filing of protests concerning any activity relating to *nominations or elections for Local Union Delegates or for International Officers.*

All protests regarding rulings on nominator, second or candidate eligibility, failure to provide access, and improper or inequitable treatment *must be filed within 48 hours of the occurrence of the act being protested.*

Other protests may be filed immediately or pursuant to a post-election protest.

Protests regarding any alleged improper election day or post-election conduct must be filed in the following manner:

For Delegate Elections: within seventy-two (72) hours of the posting of the official election tally sheet, or

For International Officer Elections: within fifteen (15) days of the announcement of the election results.

See the reverse side for instructions on filing this complaint with the Election Officer and serving it on the Union(s) involved. ALSO SEE Article XI of the "Rules for the IBT International Union Delegate and Officer Election" promulgated on April 27, 1990 by Michael H. Holland, Election Officer.

Election Officer File No. CONV-11
[to be completed only by Election Officer Staff]

Part 1: NAME OF PERSON MAKING PROTEST

NAME Louis D. Riga ADDRESS 1510 Park AVE
PHONE 408-292-1110 Suite 100
IBT LOCAL UNION # 576 San Jose, Ca. 95126

Part 2: PERSON(S) OR ORGANIZATION(S) AGAINST WHOM PROTEST IS BEING FILED
[include addresses, phone numbers, and Local Union Affiliations, if known]

"RV Durham Unity Team"

Part 3. DESCRIPTION OF PROTEST Provide a concise description of the alleged improper conduct

Violation of article XII "Supplementary Election Officer Rules" Campaign Activity during the opening session of the convention Monday 6-24-91 at 9AM there was the enclosed Campaign literature placed on each chair in the delegates section.

[continue your description, or attach any additional information, as required]

VERIFICATION

I declare that this protest (including any accompanying schedules or statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint

6-25-91

Date

Louis P. Pagan

Signature of Person Making Complaint

Received by E/E/H 6/25/91

INSTRUCTIONS FOR FILING

This protest must be sent to the Election Officer by personal delivery, by overnight mail, or by facsimile transmission with a copy sent by regular mail immediately thereafter. It must be sent within the time limits prescribed by Article XI, Sections a (1), a (2) and b (1) of the "Rules for the IBT International Union Delegate and Officer Election" promulgated on April 27, 1990 by Michael H. Holland, Election Officer (see the notice on the front side of this form for the generally applicable time limits for the filing of protests). A copy of this complaint *must also* be sent to the Union(s) involved in the same manner and within the same time frame as the original. Send this protest, along with all attachments, to

Michael H. Holland, Election Officer, c/o IBT, 25 Louisiana Avenue, N.W., Washington, DC 20001 Telephone and fax numbers are 1-800-828-6496, 1-202-624-8778, 1-202-624-8792 (fax)

R.V. DURHAM
UNITY TEAM REPORT

**AN OPEN LETTER TO DELEGATES AND
ALTERNATES**

June 24, 1991

Dear Brothers and Sisters,

As many of you know, R V Durham has pledged to do everything in his power to lift the burden of the consent order between the IBT and U S Department of Justice from our International Union and take us in a "New Direction" if he is elected General President

During the meetings of the IBT Constitution Committee, R V Durham has demonstrated the start of that promise by proposing amendments to the Constitution that would

- 1 Guarantee that all members would have the right to vote for International Officers in secret ballot elections
- 2 Restore to local union officers the right to be delegates to future IBT Conventions
- 3 Insure the right of all Members to be nominated for International Office through a system that allows legitimate candidates the chance to be nominated
- 4 Rid our Union of scandal by establishing an Ethical Practices Committee consisting of five prominent individuals from North America experienced in the affairs of labor unions which will judge the conduct of all officers in the IBT and take appropriate action against those individuals who have violated their oath of office
- 5 Increase the size of the General Executive Board to correct the inequities in the present structure so that the Canadian Conference would have an additional seat and the remaining Conferences would receive more slots based upon the number of members in each Conference
- 6 Raise the level of weekly strike benefits to a more realistic amount (\$100 per week)
- 7 Roll back the salaries of the General President and General Secretary Treasurer to the 1981 level and prohibit International Officers/Representatives from receiving salaries greater than the General President
- 8 Provide for a successorship procedure in the event of a vacancy in the office of General President between International Officer Elections thereby saving the IBT and affiliates the tremendous cost of holding a special convention and election as required by the Court Decree

Walter Shea, one of the opponents of R V., submitted not one Constitutional Amendment!! NOTHING!!!! What does that tell you???

Judge the candidates by what they do Not by what they say

R V Durham is the clear choice With your support R V Durham can turn his vision into reality

Fraternally,

The R V Durham Committee