



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

Michael H Holland
Election Officer

(202) 624-8778
1-800-828-6496
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July 18, 1991

VIA UPS OVERNIGHT

Dennis C Skelton
Ronald Aboussie
James Powell
Bill Bauman
c/o Richard Gilberg, Esq
Cohen, Weiss & Simon
330 West 42nd Street
New York, N Y 10036

Sam Stintson
Charles Byrne
Co-Chairs
Sergeant at Arms Committee
IBT
25 Louisiana Avenue, N W
Washington, D C 20001

George Chambers
410 Raymondale Dr #8
S Pasadena, CA 91030

Re: Election Office Case No. Conv.-19-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 ("Rules") A copy of the protest, and the campaign literature which is the subject of the protest, is attached hereto In their protest, Dennis C Skelton, Ronald Aboussie, James Powell and Bill Bauman allege that George Chambers, a Sergeant at Arms during the 1991 IBT International Convention, violated the *Rules* when he handed a piece of campaign literature to a delegate seated on the convention floor The Election Officer's investigation of this protest revealed the following

The protest alleges that on the morning of June 26, 1991, supporters of the Durham Unity team passed out literature on the floor of the IBT Convention soliciting support from supporters of Ron Carey for the Durham Unity Team's slate of candidates for International Trustee The literature in question was a one page flyer entitled "A Message to Carey Delegates from the Unity Team" The protest further alleges that a single piece of the literature was handed to George Chambers, an IBT member serving as a Sergeant at Arms, who was standing in the vicinity of mike #7 in the delegate section on the convention floor Finally, the protest alleges that Mr Chambers read the literature and then handed it to a delegate wearing a Ron Carey button who was seated near him

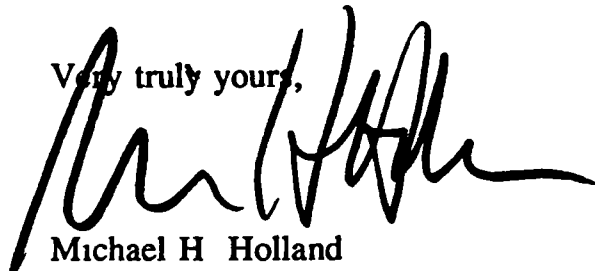
The protest does not allege that any more than a single piece of literature was "distributed" by Mr Chambers. Nor does the protest allege that any other Sergeant at Arms was involved in the "distribution" of the material. All that was alleged was that Mr Chambers while serving as a Sergeant at Arms stationed on the floor of the convention, was given a piece of literature, read it, and passed it on to its intended recipient. Based on the allegations contained in the protest, and on an interview with Mr Skelton at the time that the protest was filed, the Election Officer finds no violation of the *Rules* on the basis of the allegations contained in the protest.

The *Rules* guarantee the rights of all IBT members to participate in campaign activities. *Rules*, Article VIII, Section 10 (a). This right extends to Union officers and employees. *Rules*, Article VIII, Section 10 (b). However, such officers and employees may not campaign on time paid for by the Union unless such campaigning is "incidental to regular Union business". *Id.* The allegation that Mr Chambers read and handed a piece of literature to a delegate on the floor of the IBT Convention, even if true, does not constitute a violation of the *Rules*. Such "distribution" took at most a moment and was clearly incidental to Mr Chambers' duties.¹

For the forgoing reasons 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 served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W, Washington, D. C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H Holland

¹ The Election Officer recognizes that a Union member serving in the capacity as a Sergeant at Arms on the floor of a hotly contested convention, like the recent IBT Convention, has a special obligation to preserve his or her neutrality and impartiality when acting in that capacity. The Election Officer does not find that Mr Chambers' action in handing the single piece of literature to a delegate to be inconsistent with his role as a Sergeant at Arms.

Dennis C Skelton
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MHH/mjv

cc Frederick B Lacey, Independent Administrator, IBT

ELECTION OFFICER FORM 4

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, seconder 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-19-IBT [to be completed only by Election Officer Staff]

Part 1. NAME OF PERSON MAKING PROTEST

NAME DENNIS C SKELTON ADDRESS Rm 19107 - DALPHIN

PHONE

IBT LOCAL UNION # 600 SUSAN DAVIS / RICH GILBERG ATTYS

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

GEOFFREY CHAMBERS (MIKE T)

A MESSAGE TO CAREY DELEGATES FROM THE UNITY TEAM

TO: All Carey Delegates
FROM: Durham Unity Team
RE: Your Vote For IBT Trustees

The Walter Shea/Dan Ligurotis/Joe "T" campaign has been aggressively seeking the votes of Carey delegates for Joe 'T's Trustee candidates, since the Carey campaign has not put forward any candidates for Trustee.

The Joe "T" forces have gone so far as to circulate rumors that Ron Carey personally supports the Walter Shea/Joe "T" Trustee candidates.

As a Ron Carey delegate you have an important decision to make—You can abstain from voting for any Trustee candidate, and throw your vote away—or you can vote for Joe 'T's Trustee candidates—or you can vote for the candidates of the Durham Unity Team—**Ben Leal, Bob Simpson and Robert Derusha.**

Your choice is simple. No matter what differences you may have with the Unity Team, is there any possible way that you could support T's candidates? We hope not.

Remember, to sit out the Trustee election would go against the very principles for which you were elected by your membership. To form an unholy alliance with the Shea/Joe "T" crowd would be even worse.

We urge to vote for the candidates best qualified to represent our union - - Vote for the Unity Team of **Ben Leal, Bob Simpson and Robert Derusha.**

TO. ELECTION OFFICER OR ASSOCIATE

RE: SGT AT ARMS MISCONDUCT

DURING THE MORNING OF 6-26-91, FOLLOWING NOMINATIONS FOR TRUSTEE, PEOPLE WHO WERE APPARENTLY PRO R.V. DURHAM WORKERS PASSED OUT LITERATURE SOLICITING SUPPORT OF "RON CAREY DELEGATES" FOR THE "UNITY TEAM" CANDIDATES FOR THE POSITION OF INTL TRUSTEE. ONE OF THE WORKERS PASSED A COPY OF THIS LITERATURE (SEE ATTACHED) OPENLY TO THE SGT AT-ARMS ASSIGNED TO "MIKE 7". THE SGT-AT ARMS, WHO'S I.D. BADGE DESCRIBED HIM AS GEORGE CHAMBERS, READ THE LITERATURE AND THEN HANDED TO A DELEGATE (WEARING A CAREY BUXTON) SITING IN THE ROW BY "MIKE 7". THIS LITERATURE WAS ADDRESSED TO "RON CAREY DELEGATES", AND THAT IS PRECISELY WHERE THE EXCHANGE STOPPED - WITH A "RON CAREY DELEGATE".

THE UNDERSIGNED WITNESSED THE ABOVE-MENTIONED CHAIN OF EVENTS AND WE FEEL THAT THE ACTIONS OF THE SGT-AT-ARMS TO BE INAPPROPRIATE AND IN VIOLATION OF CONVENTION AND/OR ELECTION OFFICE RULES.

IF YOU WISH TO TAKE ACTION OR REQUIRE ADDITIONAL INFORMATION CONTACT US IN ROOM 19107 DISNEY DOLPHIN HOTEL
RESPECTFULLY

Dennis C Skelton
DENNIS C. SKELTON
LOCAL 600
RONALD ABOUSSIE

Ronald / Aboussie LOCAL 600

JAMES POWELL 688
Bill Bauman
BILL BAUMAN 688