

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Washington, DC 20001

Michael H. Holland
Election Officer

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December 27, 1991

VIA UPS OVERNIGHT

Gordon Teller
22332 - 17th Place, West
Bothell, Washington 98021

Clyde Hunter
Trustee
IBT Local Union 741
552 Denny Way
Seattle, Washington 98109

Lawrence N. Weldon
Secretary-Treasurer
IBT Local Union 741
522 Denny Way
Seattle, Washington 98109

Re: Election Office Case No. P-1086-LU741-PNW

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gordon Teller, a member of Local Union 741. Mr. Teller alleges that he was physically attacked by Clyde Hunter, a trustee of Local Union 741. Mr. Teller contends that the attack was in retaliation for the previous protest filed by Mr. Teller against Mr. Hunter, Election Office Case No. P-1043-LU741-PNW. This protest, like the prior protest, was investigated by Adjunct Regional Coordinator Patricia A. Warren.¹

On November 4, 1991, Mr. Teller filed a protest alleging that Mr. Hunter had been observed by two other IBT members -- not by Mr. Teller -- turning or obscuring a posted piece of campaign literature relating to the Local Union officer election in Local

¹ Mr. Hunter has refused to provide a statement to the Election Officer in connection with this protest. Counsel for Local Union 741 initially refused to produce Mr. Hunter on the basis that the matter was beyond the Election Officer's jurisdiction. When informed by the Adjunct Regional Coordinator that the evidence appeared to support a contrary conclusion, counsel said that Mr. Hunter would be produced. However, to date, approximately six weeks after the protest was initially filed and acknowledged, neither Mr. Hunter nor counsel have contacted the Adjunct Regional Coordinator to provide such statement.

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Union 741. That protest was acknowledged as Election Office Case No. P-1043-LU741-PNW by the Election Officer on November 5, 1991. On November 25, 1991 the Election Officer issued his decision finding that the protest concerned only the Local Union officer election process and did not implicate or impact upon the election for International Union officers. The Election Officer accordingly dismissed the protest as being beyond his jurisdiction.

At or about the time the protest was initially filed, Mr. Teller telephoned Mr. Hunter to discuss the incident. When Mr. Hunter returned the call, Mr. Teller was not at home. However Mr. Hunter left a message with Mr. Teller's son; the message was that Mr. Hunter said he was sorry.

During a break in a Local Union membership meeting held on November 10, 1991, Mr. Teller raised the message he had previously received with Mr. Hunter. In lieu of interpreting the message left for him by Mr. Hunter in a favorable light, e.g., that Mr. Hunter was sorry that he had obscured the campaign literature or was sorry that an incident was created necessitating a protest, Mr. Teller asked Mr. Hunter if the message meant that Mr. Hunter was sorry that he had not reached Mr. Teller. The Election Officer has previously noted Mr. Teller's propensity for further aggravating difficult situations; see Election Office Case No. P-974-LU741-PNW.

However, whether Mr. Teller's comments were meant to aggravate or not, Mr. Hunter's response was totally inappropriate. Mr. Hunter not only responded in a continually rising voice, but proceeded to physically assault Mr. Teller. Mr. Hunter's first words in response related to Mr. Teller's filing the prior protest in Election Office Case No. P-1043-LU741-PNW, with Mr. Hunter stating that Mr. Teller had no business filing a protest, had no protest and was meddling in activity about which he had no personal knowledge. Mr. Hunter took Mr. Teller by the arm and began tapping his chest with increasing pressure. Mr. Hunter prevented Mr. Teller from leaving the area and returning to the meeting and ultimately grabbed Mr. Teller by the collar of his jacket and pushed him against a wall.

Another Local Union 741 member, Mike Southgate, intervened and attempted to end the incident. Mr. Hunter instructed Mr. Southgate to "stay out of it" and refused to take his hands off Mr. Teller. When Mr. Southgate insisted that Mr. Hunter do so, Mr. Hunter began to threaten Mr. Southgate. Ultimately Mr. Southgate pushed himself between the two men and, after the exchange of additional words, succeeded in breaking up the altercation.

The subject matter of this protest is clearly within the jurisdiction of the Election Officer. Mr. Hunter's own statements at the beginning of the altercation -- his statement that Mr. Teller had no right to file protests, had no protest and was meddling in a matter

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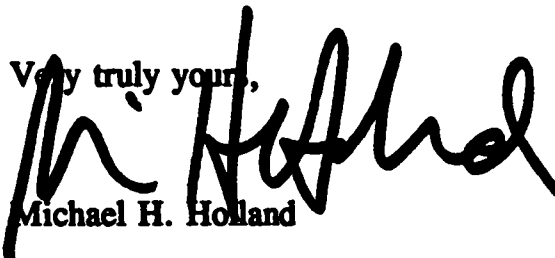
which, if a protest, should have been filed by others -- demonstrate that Mr. Hunter's actions were motivated at least in part by Mr. Teller's utilization of the protest processes under the *Rules*. As the Election Officer has determined in numerous prior protest decisions, the procedures set forth in Article XI of the *Rules* are an integral part of the International Union election process over which he has jurisdiction; retaliation against an IBT member for utilization of those procedures is itself violative of the *Rules*.

Whatever the provocation, Mr. Hunter's response to Mr. Teller during the Local 741 membership meeting of November 10, 1991 was wrong. Whether Mr. Teller's prior protest to the Election Office was meritorious, whether Mr. Teller purposely misinterpreted Mr. Hunter's telephone message to him, and even assuming that Mr. Teller's activities were provocative, physically assaulting an IBT member for filing protests under the *Rules* fundamentally undermines the fair, honest and open elections which the *Rules* and the March 14, 1989 Consent Order are meant to provide.

Accordingly Mr. Hunter's activities of November 10, 1991 violated the *Rules*. To remedy this violation, the Election Officer will order Clyde Hunter to cease and desist from physically assaulting Gordon Teller, or any other IBT member, because of such member's utilization of the protest procedures set forth in the *Rules* and/or such member's engaging in other activities protected by the *Rules*.²

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

² The Election Officer also admonishes Mr. Teller and urges him to speak and act in a manner which does not purposely provoke retaliatory responses such as those of Mr. Hunter.

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**cc: Frederick B. Lacey, Independent Administrator
Christine M. Mrak, Regional Coordinator**