



— OFFICE OF THE ELECTION OFFICER  
% IN INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624 8778  
1 800 828 6496  
Fax (202) 624 8792

Michael H. Holland  
Election Officer

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922 2800

March 8, 1991

**VIA UPS OVERNIGHT**

Jerome A. Crowley, Jr.  
10 Bay State Blvd  
Peabody, MA 01960

John J. Perry  
Secretary-Treasurer  
IBT Local Union 82  
330 Dorchester St  
South Boston, MA 02169

Column Flaherty  
332 West 4th St  
South Boston, MA 02127

**Re: Election Office Case No. P-614-LU82-ENG**

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The complainants, Jerome Crowley and Column Flaherty, allege that John Perry, Secretary-Treasurer of Teamsters Local 82, made allegedly false statements about them at a Local Union meeting. They also contend that Mr. William Dodd, Vice President and Business Agent of Local 82, spoke and acted at the same membership meeting, in a manner meant to intimidate them.

The investigation revealed the following facts: Column Flaherty and Jerome A. Crowley, Jr. are delegate and alternate delegate candidates respectively in Local 82's upcoming delegate election. John Perry, Secretary-Treasurer of Teamsters Local 82 is also a delegate candidate. On Sunday, February 24, 1991, a general membership meeting was held at the Local Union Hall in South Boston. The complainants stated that during the meeting, various questions were raised by each of them as well as other members of Local 82 concerning the lack of employment opportunities for members of the Local, the hiring by employers who had collective bargaining agreements with the Local of new employees over Union members, the failure of a recent strike, as well as other general Union issues. At one point, Mr. Flaherty asked Mr. Perry, who was chairing the meeting, if the Local Union would press for the employment of Union members as opposed to hiring of new employees and collecting these new members' initiation fees. Mr. Perry responded by asking Mr. Crowley to stop campaigning.

Later in the meeting, Mr Perry and Mr Crowley got into an argument about whether Mr Crowley had wanted the Local to cease its collective bargaining relationship with Carroll Movers. Mr Crowley asserts that Mr Perry accused him of "wanting the company out of the Union." Mr Crowley denied the accusation and responded that he had simply wanted that company to sign a contract that was not subpar when compared to other contracts to which the Local was signatory. Mr Perry denies that he specifically accused Mr Crowley of wanting Carroll Movers "out of the Union" but does admit that he generally charged those who were criticizing him at the meeting with wanting to get rid of Carroll Movers.

At a later point in the meeting, another argument concerning the processing of members' grievances ensued between Union member Gary Bradford and Vice President and Business Agent William Dodd. Mr Perry claims that Mr Bradford appeared to be intoxicated and that he was disrupting the meeting by constantly interrupting the order of business. As the argument became more heated, Mr Dodd, who was seated on the platform in front of the room next to Mr Perry, banged his fist on the table and knocked his chair over with his feet.

The evidence establishes that neither Mr Dodd nor Mr Perry verbally or physically threatened any members. Except for the chair being knocked over, the incident consisted only of each group of candidates verbally accusing their opponents of not having the membership's best interest at heart.

The model for free and fair Union elections is that of partisan political elections. In those elections, contestants are generally allowed to make whatever assertions, allegations, statements of opinion or even of alleged facts without legal sanctions for their truth or falseness. The cardinal principle is that the best remedy for untrue speech is more free speech, with the electorate being the final arbiter.


Thus the fact that campaign statements are allegedly false, irrelevant or even defamatory does not remove them from the protection of the *Election Rules*. National Association of Letter Carriers v. Austin, 418 U S 264 (1974) (uninhibited and robust debate encouraged in labor matters, even allegedly defamatory statements permitted), Salzhandler v. Caputo, 316 F 2d 445 (2nd Cir 1963) (statements critical of Union officials, even if incorrect, protected). The policy encouraging robust political debate in the selection of delegates and International Officers of the IBT is reflected in the *Rules'* prohibition of censorship of campaign literature. See *Rules*, Article VII, § 6 (g).

A review of the evidence submitted demonstrates that both Mr Flaherty and Mr Crowley and Mr Perry were engaging in campaigning during the course of the general membership meeting. Thus, their statements were protected by Article VIII of the *Rules*. There is also no evidence to support Mr Flaherty's and Mr Crowley's allegations that Mr Dodd and/or Mr Perry engaged in intimidating statements or acts. Accordingly, the protest submitted by Mr Flaherty and Mr Crowley must be DENIED.

Jerome A Crowley, Jr  
Page 3

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

MHH/mca

cc Frederick B Lacey, Independent Administrator  
Elizabeth A Rodgers, Regional Coordinator