



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

Michael H. Holland
Election Officer

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September 16, 1991

Bob Stuver
14610 Apple Valley Rd.
Apple Valley, CA 92307

Terry Mangrum
17868 Highway 18
Suite 139
Apple Valley, CA 92307

Everett J. Roberts
Trustee
IBT Local Union 63
1616 W. Ninth Street
Room 205
Los Angeles, CA 90015

John DeWorken
Business Agent
IBT Local Union 63
1616 W. Ninth Street
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-891-LU63-CLA

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, Bob Stuver alleges that his rights under the Election Rules were violated by Terry Mangrum as a result of Mr. Mangrum's threat to assault Mr. Stuver unless he removed a notice critical of Mangrum and another delegate to the 1991 IBT Convention from the bulletin board at the Roadway Express facility in Adelanto, California. The Election Officer's investigation of this protest revealed the following.

Bob Stuver is a member of Local Union 63 and a shop steward. Stuver is employed as a line driver by Roadway Express at its Adelanto, California terminal. Terry Mangrum and John Cetinski are also employed as drivers by Roadway Express at Adelanto. Both Mangrum and Cetinski were delegates to the 1991 IBT International Convention and members of a delegate slate aligned with Ron Carey.

On August 19, 1991 a hearing was held regarding the imposition of a trusteeship over Local Union 63. Both Mangrum and Cetinske allegedly spoke at the meeting urging the continuation of the Trusteeship and the postponement of Local Union elections. After the hearing Stuver and another steward, Rick Harris, posted a statement on the campaign literature portion of the bulletin board in the Adelanto facility critical of Mangrum and Cetinske stating that they do not believe in having elections.

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Mangrum felt that the statements in the posting were a lie and that he was very upset about them. On Wednesday, August 21 at 12:30 a.m. Mangrum confronted Stuver in Stuver's motel room in Sacramento. Mangrum stated that the content of the posting was a lie and also told Stuver that "I'll give you till I get home and if its not down I'll kick your ass".

When Mangrum returned to the Adelanto facility on the evening of August 21, he again confronted Stuver about removing the posting. Stuver was sitting at a table in the drivers room with Rick Harris and John DeWorken, a business agent of the Local Union.¹ When Stuver refused to remove the posting, Mangrum suggested that they leave the facility. Mangrum left the employee parking lot and was followed by Stuver and DeWorken. Harris also left the facility at that time to start a run.

Mangrum pulled off to the side of the road a short distance from the facility and was joined within 10 minutes by Stuver and DeWorken. The three were then joined by Harris. Mangrum confronted all three stating that he would "take them all on." The incident ended when Stuver agreed to remove the posting. Stuver and DeWorken then returned to the facility and Stuver removed the posting.

The posting in question, while it does not make specific reference to the International Officer campaign, clearly is critical of the political position of two members who are identified with the Ron Carey campaign.² Moreover, another item posted on the same bulletin board concerning the statements of Mangrum and Cetinske at the Trusteeship hearing alleges that they do not support the "right to vote" and that "must mean they support the Riley/Durham slate". Because of these facts the Election Officer concludes that the Stuver/Harris posting and the dispute regarding that posting impacts and/or implicates the jurisdiction of the Election Officer and the *Rules*.

¹ After the hotel room conversation, Stuver called DeWorken from the road on his return trip from Sacramento. DeWorken told Stuver that he would meet him at the Adelanto facility on his return.

² The posting was discarded by Mr. Stuver after he removed it from the bulletin board. Mr. Mangrum alleges that the posting was 2 feet by 2 feet and stated:

At the Union meeting in Rialto today Terry Mangrum and John Cetinske stated on the record that they were damn proud members of TDU better know as "Tear Down the Damn Union", and that they do not believe in having Elections.

Signed Bob Stuver
Rick Harris

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All members of the IBT have the right to engage in campaign activity, including the posting of notices or statements, free from restraint or coercion by officials, agents or members of the IBT. The fact that Mr. Mangrum disagreed with the statement or believed that it contained lies does not excuse his conduct. Mangrum clearly threatened, on two occasions, to assault Stuver unless the notice was removed.³ In response to that threat, Stuver removed a piece of literature that he had a right to post under the Election Rules. Mangrum, by his conduct has clearly violated the Election Rules.

To remedy this violation of the Election Rules the Election Officer order Mr. Mangrum to take the following action.

1. Mr. Mangrum shall sign and deliver to the Local Union the attached notice. That notice shall be posted by the Local Union on the Local Union 63 bulletin board at the Adelanto, California Roadway Express facility.
2. Mr. Mangrum shall cease and desist from any further interference with or coercion of IBT members in the exercise of their rights under the Election Rules.
3. Mr. Mangrum shall submit to the Election Officer, within ten (10) days of the date of this decision, an affidavit describing his compliance with the terms of this order.

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,

³ In his statement to the Election Officer Mr. Mangrum alleges that DeWorken threatened him during the incident on the side of the road outside the Roadway facility. It bears emphasis that Mangrum was the aggressor in that confrontation. When Mangrum threatened to assault DeWorken along with Stuver and Harris DeWorken replied "Not tonight Terry. This Local is in enough trouble. I don't want to put it in jeopardy. After the election is over and the government is gone, if you want of piece of this old man's ass, I'll be here." The Election Officer does not construe DeWorken's refusal to accept Mangrum's offer to fight or his reference to when the government is gone to be a threat.

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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

cc: Frederick B. Lacey, Independent Administrator
Geraldine Leshin, Regional Coordinator

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**NOTICE TO MEMBERS OF IBT LOCAL UNION 63
FROM
TERRY MANGRUM**

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

Your have the right to engage in campaign activities on behalf of or in opposition to any candidate or slate of candidates seeking International office in the IBT.

Such rights include the right to post campaign related material on the general purpose bulletin board in the drivers room of the Roadway Express facility in Adelanto, California, subject to the orders of the Election Officer governing the use of that bulletin board.

I will not interfere with, restrain or coerce any IBT member in the exercise of these rights.

Terry Mangrum

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered with any other material.