

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: LEEDHAM SLATE,)	Protest Decision 2001 EAD 400
)	Issued: June 28, 2001
)	OEA Case Nos. PR062712NA
Protestor.)	
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Stefan Ostrach, for the Tom Leedham Rank and File Power Slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“Rules”). It alleges that on June 26, 2001, in an area adjacent to the polling place at the IBT convention, Local 804 president Howard Redmond made a threatening statement concerning Tom Leedham, candidate for General President, to supporters of the Leedham slate.

Election Administrator representative Michael Nicholson investigated the protest.

Findings of Fact and Analysis

Voting on nominations at the IBT convention occurs from 5:00 p.m. to 8:00 p.m. on Tuesday, Wednesday and Thursday of convention week. Prior to entering the rooms in which delegates deposit any campaign paraphernalia and then vote, delegates pass through a long corridor where both the Hoffa and the Leedham slates have their campaign offices. Each slate was passing out campaign materials in the corridor on June 26, 2001, on which day votes were held for Trustee and International Vice-President-at-Large nominees.

Redmond was with a group of his fellow Long Island City, New York Local 804 delegates. As he passed the Leedham slate leafleteers, he pointed at the Leedham slate literature and said, according to the Leedham slate campaigners, that Leedham had tried to cost Redmond his job and that the campaigners should “tell Leedham that if he comes back to New York, I’ll put him in a bag.” The Leedham campaigners then say that Redmond looked at his fellow delegates and said, “tell that to Leedham.” Although the protest says that Redmond’s statement was a threat against Leedham, the Leedham campaign’s principal witness says that he did not take it as such.

Redmond candidly admits that he said, “tell Leedham I’ll put him in a garbage bag.” He also says that he referred to past political campaigning by Leedham against him, and that after the “garbage bag” comment he continued “and I’ll throw him out of town.”

We cannot find that Redmond’s words as described by the Leedham campaigners constitute a threat of violence against Leedham. As we have previously held, “loud, heated, rude or obnoxious behavior directed at fellow members because of their support of candidates for International office does not violate the *Rules*. Such debate cannot be censored. And while

Leedham Slate, 2001 EAD 400

June 28, 2001

verbal threats of physical violence in retaliation for such candidate support are prohibited by the *Rules*, we cannot find as a fact that the heated conversation here rose to the level of a physical threat.” *Bartolotti*, 2001 EAD 312 (April 17, 2001); *Jorgensen*, 2001 EAD 72 (December 26, 2000). *See also Pimentel*, 2001 EAD 251 (March 21, 2001), *Rodriguez*, 2000 EAD 45 (November 3, 2000) and *Wasilewski*, 2000 EAD 14 (August 14, 2000). Instead, we find that Redmond’s words were a heated expression of his political animosity towards Leedham, and taken as such by his supporters.

Accordingly, we DENY this protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005, (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.
William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 400

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