



OFFICE OF THE ELECTION OFFICER
% 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

December 17, 1990

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

VIA UPS OVERNIGHT

Ronald Carey
President
IBT Local Union 804
34 21 Review Avenue
Long Island City NY 11101

HAND DELIVERY

James T. Grady
General Counsel
International Brotherhood
of Teamsters
25 Louisiana Avenue, N W
Washington D C 20001

Re Election Office Case No P 10-INT EO

Gentlemen

This pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 (*Rules*). In his protest the complainant Ron Carey, alleges that the International Union violated Article VIII § 7 of the *Rules* a result of the coverage of IBT General President William B. McCarthy in The International Teamster who during the time period covered by the protest was an announced candidate for General President of the IBT. The Election Officer's investigation of the protest revealed the following:

William J. McCarthy is the incumbent General President of the International Brotherhood of Teamsters. For a period which concluded in October 1990 McCarthy was an announced candidate for election as General President. During the period of McCarthy's candidacy Ron Carey and Louis Riga, the current Secretary Treasurer of IBT Local Union 576 were also announced candidates for the office of General President.

Article VIII § 7 of the *Rules* prohibits a Union financed publication from supporting the candidacy of any person. Featuring a particular candidate with larger or more attractive pictures without journalistic justification, articles or pictures not journalistically significant, or a substantial number of articles or pictures are examples of improper support. See e.g. Article VIII § 7(a)(1)(a) (c) and (d).

Ronald Carey
James T. Grady
December 17, 1990
Page 2

Based upon the foregoing criteria, the IBT has violated the *Rules* by using The International Teamster to support the candidacy of William B. McCarthy. Such support was evidenced by the following:

1 McCarthy's photograph has prominently appeared in connection with union activities to an extent that bears no reasonable relation to his personal involvement with those activities. Examples include the coverage of the UPS negotiations in the April, 1990 edition of the magazine, including a cover photograph, and in the August, 1990 edition, again on the cover. Similarly, the use of McCarthy's photograph and statement "President McCarthy to Overnight Workers We Will Deliver For You", reported in the June, 1990 edition of the magazine, and his statement "I'm going to put it on the line", reported in the September, 1990 edition, in the reports on the Overnight organizing campaign are not justified by the level of his involvement in that activity.

2. The International Teamster has contained multiple photographs of McCarthy in a single article or multiple articles about his activities in a single edition. Examples include the April, 1990 edition of magazine where McCarthy's photograph appears eight times, three times in a 1 1/3 page article. Similarly, McCarthy's photograph appears three times, including the cover of the magazine, in an article about the IBT's support of the Easter Seals campaign which appeared in the February, 1990 edition of the magazine.

3 The International Teamster has printed stories and photographs showing endorsements of or political support for McCarthy. For example, in the September edition of the Magazine, McCarthy is pictured next to a banner which reads "Teamsters Quebec Supports Billy McCarthy".

While I have found that the *Rules* have been violated, Mr McCarthy has now withdrawn his candidacy for General President of the IBT. Such withdrawal renders futile and useless the previous inappropriate support. Therefore, I consider the matter moot, and am imposing no remedy. However, should The International Teamster, or any other Union publication, be utilized in the future to support the candidacy of any particular candidate or slate of candidates in a manner like or similar to the support given to Mr McCarthy, or should Mr McCarthy re-enter the race for any International Office, I shall impose appropriate sanctions on the IBT. Such sanctions shall include providing all adversely affected candidates with equal access or coverage in the magazine, or mailings to the appropriate membership group.

To provide guidance to all parties, and for illustrative purposes, but without limiting the nature of inappropriate support, I shall consider publication in The International Teamster of the following types of material to constitute improper support:

Ronald Carey
James T Grady
December 17, 1990
Page 3

1. Pictures or articles stating or indicating support of the candidacy of a particular candidate, such as the article and picture appearing in the September, 1990 edition at p 9.

2. Prominent, and particularly cover, photographs of a candidate, such as the cover of the February, 1990 edition, and,

3. Numerous photographs of the same candidate accompanying a single article, such as the pictures accompanying the article in the April, 1990 edition at pp. 6-7

To the extent that certain candidates are aligned, either formally or informally, the Election Officer will review published material with respect to all such candidates as a whole

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/kpm

cc Frederick B Lacey, Independent Administrator, IBT (via UPS Overnight)
Duke Zeller, Director of Communications, IBT (via Hand Delivery)
Richard N Gilberg, Esquire (via UPS Overnight)
All Announced Candidates for International Union Office (via UPS Overnight)