



OFFICE OF THE ELECTION OFFICER  
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Michael H. Holland  
Election Officer

November 8, 1991

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**VIA FACSIMILE WHERE INDICATED AND UPS OVERNIGHT**

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Donald Sawochka  
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IBT Local Union 142  
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Edward "Doc" James  
c/o IBT Local Union 142  
1300 Clark Road  
Gary, IN 46404

**Re: Election Office Case No. P-1029-LU142-CHI**

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Archie Cook on behalf of Leroy Ellis, a candidate for International Vice President on the Ron Carey Partnership Slate. The protest alleges that Local 142 used Union resources to hold a special meeting in order to permit Edward "Doc" James, ~~also a candidate for International Union Vice President on the R. V. Durham Unity Team~~ to make a campaign speech and distribute literature for the R. V. Durham Unity Team. Mr. Cook contends that the Local failed to give all candidates prior notice of the meeting and an opportunity to address those in attendance at the meeting.

The protest was investigated by Adjunct Regional Coordinator Deborah SchAAF. The investigation revealed that Donald Sawochka, Secretary-Treasurer of Local Union 142, notified all stewards of Local 142 of a special stewards' meeting to be held on Tuesday, October 29, 1991 at the Teamsters Hall located in Gary, Indiana. The notice, on its face, does not indicate the purpose of the meeting. The last special stewards' meeting was held approximately three years ago.

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The purpose of the meeting, according to the Chair was to discuss (1) sale of real estate by the Local and (2) pension and health and welfare funds and the problems some of those funds were encountering. The primary focus of the discussion was pensions. A representative from the building trade unions was present at the meeting and spoke about the building trades' pension funds and the building trades.

Shortly after the meeting began, the chair announced that he wanted to advise those present that someone from Local 142 was running for an International Union officer position and introduced Mr. James. Mr. Sawochka invited Mr. James to speak at that time; however, Mr. James declined. Thereafter, presentations concerning the health and welfare and pension funds began. The presentations encompassed approximately one hour.

After all presentations had been made, the meeting was opened for questions from the floor. At least two stewards rose and requested that the Local at this meeting move to endorse Mr. James for International Union office. Mr. Sawochka stated that such an endorsement would not be made at that meeting. A few stewards then requested that Mr. James address those present. Mr. James accepted the invitation and spoke for approximately 20 minutes. Mr. James, at the start of and several times during his presentation, stated that he was not speaking as a candidate or campaigning. However, the content of his speech concerned his position and the position of his slate on various issues that have been raised and discussed by the candidates and their supporters during the 1991 International Officer election campaigns. At the conclusion of the meeting, refreshments--sandwiches, beer and soft drinks--were served. The stewards were given Local Union jackets and steward buttons. Campaign literature for the R. V. Durham Unity Team was available for the stewards after the meeting. During the meeting, unmarked sample ballots were distributed.

The *Rules* provides in Article VIII, § 4 that all candidates and campaigns must be treated equally with respect to attendance at Local Union meetings and the right to engage in campaign activities at Local Union meetings. A stewards' meeting is a Local Union meeting. The meeting held on October 29, 1991, notice of which was on Local Union stationery, was an official meeting of the Local. If a member of the Local who is also a candidate is permitted to engage in campaign activity during the Local Union meeting, other candidates or the representatives of other candidates or slates of candidates must be granted similar opportunities. *Rules*, Article VIII, § 4. Campaigning is permitted but if and only if the facility and opportunity to do so are "made equally available to all candidates and all candidates are notified in advance of the availability..." *Rules*, Article VIII, § 10(c).

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The evidence in this case clearly shows that the *Rules* have been violated. A candidate for International office, albeit a member of Local 142, was permitted to attend a special Local 142 stewards' meeting and engage in campaign activities on his own behalf and on behalf of his slate. No other candidate or representative of any other candidate or slate was given the same opportunity to so utilize the October 29, 1991 stewards' special meeting. Mr. James made a campaign speech during the meeting while other candidates and/or representatives of the other candidates or slates were not notified of the meeting or their right to engage in campaign speeches or other campaign activities at the October 29, 1991 meeting.

Accordingly, the protest is GRANTED. To remedy the violation of the *Rules* and to provide the candidates competing with Mr. James and the other members of the R. V. Durham Unity Team slate with an opportunity to campaign among the stewards of Local Union 142--to compensate these two slates for the campaign access previously provided to the R. V. Durham Unity Team slate--Local 142 shall mail to all its stewards campaign literature provided to it by the Ron Carey Slate and the Shea-Ligurotis Action Team slate.

The literature shall be no longer than a single page, 8½ x 11 inches, may be printed on both sides but shall be suitable for mailing as a tri-fold. The literature shall be provided to Local 142 by the Ron Carey Slate and the Shea-Ligurotis Action Team slate and shall be duplicated and mailed by first class mail by Local 142 to all Local 142 stewards within two (2) business days of the date the literature is provided to it by each of the two slates. Local 142 shall bear the cost of duplication and mailing.

At the time the Carey and Shea slates provide Local 142 with the literature to be duplicated and mailed by Local Union 142, each slate shall simultaneously provide a copy of such literature to the Election Officer. Within three (3) days of the date that Local 142 duplicates and mails the literature so provided to it by each of the slates, Local 142 shall submit an affidavit to the Election Officer demonstrating that the mailing has been accomplished. Pursuant to Article XI, § 2(z) of the *Rules*, an appeal of this determination shall not stay the remedy directed herein.

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,

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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/ca

cc: Frederick B. Lacey, Independent Administrator

Julie E. Hamos, Regional Coordinator

Ron Carey  
c/o Richard Gilberg, Esquire  
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Ron Carey  
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**Walter Shea**  
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**IBT Local Union 115**  
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