



OFFICE OF THE ELECTION OFFICER  
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Election Officer

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March 22, 1991

**VIA UPS OVERNIGHT**

Thomas Geoghegan  
77 West Washington Street  
Chicago, Illinois 60602-2985

Membership Slate  
c/o Leroy Ellis  
18807 Oakwood Avenue  
Country Club Hills, Illinois 60477

Dane Passo  
186 Hingham  
Bloomington, Illinois 60108

Daniel Ligurotis  
Secretary-Treasurer  
Teamsters Local 705  
300 South Ashland Avenue  
Chicago, Illinois 60607

Shirly Groholski  
228 Scully  
Schaumburg, Illinois 60193

Re: Election Office Case Nos. **P-475-LU705-CHI**  
**P-472-LU705-CHI**

Gentlemen.

Pre-election cross-protests were filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") One protest was filed on behalf of Leroy Ellis, John McCormick and other members of the "Membership Slate" against Local Union 705 and the "Ligurotis Team Slate" A second protest was filed by Dane Passo and Shirley Groholski against Leroy Ellis and the "Membership Slate." Both protests concern a fracas that occurred at the February 7, 1991/Local 705 nominations meeting for delegates and alternate delegates to the 1991 IBT International Convention Each side attributes conduct to its political opponents in violation of members' voting rights The protests have been consolidated

(a) The Factual Investigation

Upon receiving the protests, and in acknowledging their receipt to the parties, the Election Officer requested and received the assistance of the United States Attorney for the Southern District of New York in the investigation of the protests. Special agents of the Federal Bureau of Investigations took statements from Jonathan Rothstein, Freda Merritt, and Julie Hamos, representatives of the Election Officer, John McCormick and

Leroy Ellis, protesters on behalf of the "Membership Slate", Dane Passo and Shirley Groholski, protesters on behalf of the "Ligurotis Team Slate", Daniel Ligurotis, Sr., Secretary-Treasurer of Local 705, and Donald Heim, President of Local 705, both candidates on the "Ligurotis Team Slate."

Many of the material events leading up to the altercation are not in dispute. The meeting was called to order by Heim at approximately 7:30 p.m. In excess of 300 members were in attendance. The meeting was conducted from a podium on a stage with the members seated or standing on the floor below. The first several rows of seats were occupied by supporters of the "Ligurotis Team Slate."

The "Ligurotis Team Slate", which includes the officers of the Local Union, was nominated and seconded first. After the Ligurotis delegate slate was nominated and seconded, Heim read the name of each candidate and those present indicated that they accepted their nominations.<sup>1</sup>

The same procedure was followed with respect to the "Membership Slate." Prior to the meeting, Rothstein had instructed McCormick, Ligurotis and Sherman Carmell, the Local Union's attorney, that submission of a slate declaration form at the meeting would constitute written acceptance of nomination by all candidates signing the form. Following the seconds, McCormick, pursuant to Rothstein's instructions, went to the podium and handed Heim the "Membership Slate" declaration form. Heim then proceeded to read the list of names. The first individuals so called out verbally accepted. Heim then read the name of a person who was not present and McCormick called out "he's not here, he's at work." Heim responded: "No response". Heim called several additional names; Ellis stated that they were at work and Heim replied: "No response".

McCormick and Ellis then rose to their feet. The general din from the audience increased. According to Rothstein, there was a spontaneous reaction by members of the "Membership Slate" who were concerned about the acceptance of nominations by members of their slate who were not present at the meeting. Rothstein further opined that his instructions concerning the slate form and acceptances had not been made as clear at the meeting as it might have been. Moreover, according to Rothstein, the acoustics in the auditorium were very poor, further contributing to confusion at the meeting.

While the fracas discussed below was occurring, it is undisputed that Heim was banging his gavel and attempting to bring the meeting under control. Eventually, Ligurotis took the gavel and stated that the written acceptance of nomination was sufficient and that the nominees did not have to be present to accept. The incident took

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<sup>1</sup>According to Heim, all Ligurotis slate nominees verbally stated their acceptance except for Ed Rebout, who was not in attendance. Heim stated "No response" with respect to Rebout. Heim's statement was not disputed.

about five minutes. The specifics of what occurred during these five minutes are widely disputed.

Ellis, who was seated in the third row, contends that he was on his way to a microphone that was positioned immediately in front of the stage on the ground level to seek a clarification about the acceptances when he was struck on the left side by an assailant, causing him to lose his balance and trip over a chair. Ellis further stated that he saw McCormick being grabbed. According to McCormick, while he and Ellis, an African American, were proceeding to the front to protest racially based verbal assaults directed at Ellis by persons seated in the front rows, they were both attacked by their antagonists.<sup>2</sup>

Passo stated that, having been pushed by a crowd to a position immediately in front of the stage, he told Ellis to sit down and that Ellis responded by throwing a punch at him and that the fight then started. Groholski stated that Ellis struck and knocked down a man with a cane seated next to her in the second row. Ligurotis stated that Ellis was arguing with other members in the front row when he dropped Passo with a punch and the melee began.

Neither Rothstein nor Merritt was able to provide a clear narrative as to what happened based on their limited view from the stage. Hamos was not present during the scuffle.

After order was restored, the business of the meeting was completed and the meeting adjourned at approximately 7 50 P M.

(b) Conclusions.

It is clear that the incident at issue occurred spontaneously when McCormick, Ellis and other "Membership Slate" adherents became concerned over the manner in which Heim was dealing with the acceptances of their nominees. Ellis' mere physical presence emerging to the front of the auditorium where the other slate was seated evoked a strong and hostile verbal response from the "Ligurotis Team Slate" adherents.<sup>3</sup> The poor acoustics in the room were an additional source of confusion. Ellis and McCormick started out to seek a clarification, and then according to McCormick, to protest the verbal epithets they heard. What happened at that point, who struck the first blow and in response to what, is not easily ascertainable. Fortunately, the altercation was quickly ended and no one was hurt.

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<sup>2</sup>According to Ellis and McCormick, racial epithets and other derogatory shouts were directed at them at various times during the meeting.

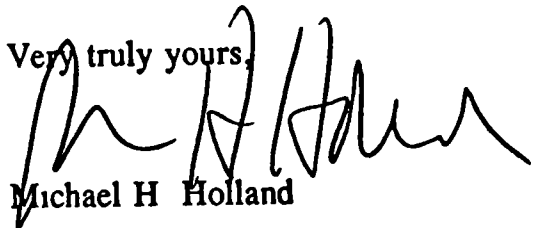
<sup>3</sup>Ellis is a former sparring partner of long-time heavyweight champion Muhammad Ali, and was himself once ranked fifth in both the heavyweight and light heavyweight professional divisions.

Thomas H Geoghegan  
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The Election Officer strongly condemns such incidents as this occurring at nomination meetings. They clearly impact adversely upon the election process. However, based upon my review of the investigative reports, it is impossible to determine who, if anyone, was responsible for the disturbance. It would not further the purposes of the *Rules* to make a finding that would impute greater responsibility for the mishap to one side or the other. Therefore, both protests are **DENIED**.

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/ads

cc: Frederick B Lacey, Independent Administrator  
Julie E. Hamos, Regional Coordinator  
Edward T. Ferguson, Assistant United States Attorney  
for the Southern District of New York

IN RE:

THOMAS H. GEOGHEGAN, on  
behalf of the MEMBERSHIP  
SLATE,

and

DANE PASSO,  
SHIRLY GROHOLSKI,

and

DANIEL LIGUROTIS,  
IBT LOCAL UNION NO. 705,

91 - Elec. App. - 117 (SA)

DECISION OF THE  
INDEPENDENT ADMINISTRATOR

This matter arises out of an appeal from two decisions of the Election Officer. The first is dated March 22, 1991, and was issued in Election Officer Case Nos. P-472-LU705-CHI and P-475-LU705-CHI. The second decision is also dated March 22, 1991, and was issued in Case No. P-558-LU705-CHI. These two matters were heard together given their common factual background.

A hearing was held before me by way of telephone conference on April 1, 1991, at which the following persons were heard: John J. Sullivan and Barbara Hillman, on behalf of the Election Officer; Jonathan Rothstein, an Adjunct Regional Coordinator; Thomas Geoghegan, Esq. on behalf of the Membership Slate; and Sherman Carmell, Esq. on behalf of the Local.

Dealing first with Case Nos. P-472-LU705-CHI and P-475-LU705-CHI; this matter involves cross-protests. One protest was filed on behalf of members of the Membership Slate against Local 705 and the

Ligurotis Team Slate. The second protest was filed by supporters of the Ligurotis Team Slate against Leroy Ellis and the Membership Slate. Mr. Ellis is a member of the Membership Slate and a complainant in the Membership Slate's protest against the Ligurotis Team Slate. Both of these protests concern a physical altercation that erupted at the February 7, 1991, Local 705 nominations meeting for delegates and alternate delegates to the 1991 IBT International Convention. Each protest alleges that the opposing Slate engaged in conduct which chilled the political rights of the other Slate.

Upon receiving the protests, the Election Officer requested and received the assistance of the United States Attorney for the Southern District of New York in the investigation of the protest. The U.S. Attorney's office, in turn, enlisted the assistance of the Federal Bureau of Investigation ("FBI"). Upon reviewing the investigative report of the FBI, the Election Officer determined that there was insubstantial evidence to support either protest. Both the Election Office and the U.S. Attorney's office concurred that the evidence was insufficient to lay a foundation for determining fault. As stated by the Election Officer in his

Summary:

The issue is not credibility; rather the evidence was inadequate to support the allegations of either set of protesters.

The Membership Slate complained that the investigation conducted by the FBI was incomplete and inadequate. The Membership Slate also complained that the Election Officer failed to consider

the history of violence and intimidation at Local 705. Local 705, on the other hand, took issue with the Election Officer's ruling, arguing that the Election Officer cannot conclude that the altercation was not premeditated if the Election Officer is also going to acknowledge that he cannot conclude how the altercation began.

Dealing first with the Membership Slate's contention, it is clear that the Election Officer took extraordinary steps to investigate this protest. As noted, the Election Officer enlisted the aid of the U.S. Attorney, and the U.S. Attorney in turn enlisted the aid of the FBI. Certainly, the Department of Justice and the FBI, with their combined expertise, are capable of adequately investigating the fracas in question. I have every confidence that the investigation which was conducted was designed to elicit the relevant facts so that the Election Officer can make a proper determination.

In response to the argument that the Election Officer did not consider the history of the Local, I note that in light of Local 705's history, the Election Officer availed himself of the resources of the United States Attorney's Office and the FBI. This was an extraordinary step.

As for the concerns of the Local, I do not find it inconsistent that the Election Officer concluded that the altercation "occurred spontaneously" and also found that there was



insubstantial evidence to support either protest. In fact, the two conclusions complement each other.

Accordingly, the Election Officer's denial of both protests are affirmed. It must be emphasized, however, that despite my affirmance, I join with the Election Officer in strongly condemning such incidents.

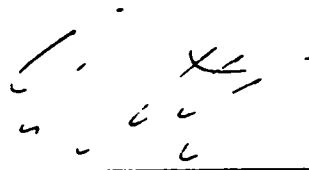
The second decision of the Election Officer, in Case No. P-558-LU705-CHI, involves a challenge by the Membership Slate to the filing of a lawsuit by Local 705 against the Membership Slate in the United States District Court for the Northern District of Illinois. In his March 22, 1991, decision, the Election Officer held that:

The allegations of the complaint, which is the subject of this protest, demonstrate that the lawsuit concerns events allegedly occurring at the nominations meeting for Local Union 705, the meeting held to nominate 1991 IBT International Convention delegate and alternate delegate candidates from Local Union 705. Thus, the lawsuit implicates the IBT International Union Delegate And Officer Election process, as described in the Consent Order of March 14, 1989, and the Rules, as approved by the United States District Court for the Southern District of New York on July 10, 1990. The filing of a lawsuit, such as the one at issue here, in a jurisdiction other than the United States District Court for the Southern District of New York, may constitute contempt of such Court's All Writs Act decision, as affirmed by the United States Court of Appeals for the Second Circuit. Therefore, the Election Officer has referred this protest to the United States Attorney for the Southern District of New York, with the request that this matter be reviewed for a determination as to whether a motion for contempt should be pursued by him.

The Local appealed the Election Officer's ruling arguing that the Election Officer's decision wrongfully intimates that the Local

violated the Consent Decree by filing the lawsuit in question. A plain reading of the Election Officer's decision does not suggest such an interpretation. The Election Officer clearly states that the lawsuit "may constitute contempt." No other conclusion is reached.

Accordingly, the Election Officer's treatment of this protest is affirmed.

  
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Frederick B. Lacey  
Independent Administrator  
By: Stuart Alderoty, Designee

Dated: April 3, 1991