



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Washington, DC 20001

Michael H Holland
Election Officer

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September 26, 1991

VIA UPS OVERNIGHT

Archie J. Cook
4508 Balmoral Drive
Richton Park, Illinois 60471

William T. Hogan, Jr.
c/o IBT Local Union 714
6815 West Roosevelt Road
Berwyn, Illinois 60402

Leroy Ellis
18807 Oakwood Avenue
Country Club Hills, Illinois 60478

Re: Election Office Case No. P-897-IBT

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by IBT member Archie J. Cook on behalf of Leroy Ellis, a nominated candidate for an International Union Vice President from the Central Conference in the upcoming 1991 IBT International Union officer election. In his protest, Mr. Cook contends that William Hogan, Jr., also a candidate for that same International office in the upcoming election, violated the *Rules* when two actors, Robert De Niro and Bill Murray, appeared at his campaign fundraiser.

The investigation of this protest was conducted by the Regional Coordinator for the Chicago region. The investigation revealed that on Tuesday, September 10, 1991 a fundraiser, entitled " 'Victory in 1991' Campaign Fundraiser," was held for the Durham/Leu Central Conference Unity Team at the Rosemont Expo Center in Rosemont, Illinois. The invitation to the fundraiser lists the sponsors of the event, the Chair, Co-chair and the Reception Committee, all of whom are members of the IBT. The flier also states that only IBT members or persons who are not employers may contribute to the campaign. The announcement specifically notes that employers, unions, charitable organizations, trusts, foundations and similar entities may not make campaign contributions.

It is undisputed that three prominent actors, Robert De Niro, Joe Pesci and Bill Murray, attended the fundraiser. They arrived after the event was two-thirds over. The actors did not remain at the fundraiser for more than ten (10) to fifteen (15) minutes. They received no compensation for their appearance.

The three actors were introduced to the assembly by Mr. Hogan. Other than greeting the attendees, only one of the three actors, Bill Murray, spoke at the event. His remarks were limited to a short comedy routine directed at the Teamsters. The appearance of these actors was not advertised prior to their arrival at the fundraiser. All candidate speeches and requests for contributions had been completed by the time the actors appeared and were introduced.

The *Rules*, consistent with the March 14, 1989 Consent Order, prohibit candidates from accepting or using any contribution or any other thing of value received from any employer, representative of an employer, foundation, trust or similar entity. *Rules*, Article X, §1(a). The *Rules* define campaign contribution as any direct or indirect contribution where the purpose, object or foreseeable affect of that contribution is to influence the election of a candidate. *Rules*, Definitions at ¶ 6.

The term campaign contribution does not include the performance of services by an individual, rendered on the individual's personal free-time without compensation in any from by an employer, trust or similar entity and without accompanying contributions of goods or services by an employer, trust or similar entity. *Rules*, Definitions ¶ 6 . However, as the Election Officer found in Election Office Case No. P-651-IBT, as affirmed by the Independent Administrator, 91-Elec. App-183(SA), the lending of one's name or services to solicit campaign funds is more than merely volunteering services, it is the contribution of something of value to a candidate or his campaign. The contribution violates the *Rules* if the contributor is otherwise prohibited from making campaign contributions by the terms of Article X §1 of the *Rules*.¹

The facts found by the Election Officer in his investigation of this protest do not support a finding that the names or services of the three actors were used for the purpose of obtaining or soliciting funds.² Their names did not appear on the invitation or solicitation to the fundraising event. There was no prior notice or advertisement that they would be at the fundraiser. They were not present until all speeches and solicitations for funds had been completed. They made no endorsements nor did they solicit campaign contributions. Their presence and remarks were limited. What they did was "show up" and greet the assembly. Under these circumstances, the Election Officer does not find that the *Rules* have been violated and the protest is 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,

¹ Mr. Hogan contends that Messrs. De Niro, Murray and Pesci are not employers and therefore are entitled to contribute to candidates for IBT International Union office. Given his resolution of this protest, the Election Officer did not investigate and does not determine whether these actors are employers.

Archie J. Cook
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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,

A handwritten signature in black ink, appearing to read "M. Holland", with a long horizontal flourish extending to the right.

Michael H. Holland

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

Julie E. Hamos, Regional Coordinator

Ron Carey
c/o Richard Gilberg, Esq.
330 West 42nd Street
New York, NY 10036

Walter Shea
c/o Robert Baptiste
1919 Pennsylvania Ave., NW
Suite 505
Washington, DC 20006

R. V. Durham
c/o Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, DC 20006-1002

George T. Mueller
c/o IBT Local Union 43
1624 Yout Street
Racine, Wisconsin 53404

IN RE:

ARCHIE J. COOK
LEROY ELLIS

and

WILLIAM T. HOGAN, JR.

and

IBT LOCAL UNION NO. 705

91 - Elec. App. - 200 (SA)

DECISION OF THE
INDEPENDENT ADMINISTRATOR

This matter arises as an appeal from the Election Officer's decision in Case No. ~~P-897-IBT.~~ A hearing was held before me by way of teleconference at which the following persons were heard: John Sullivan on behalf of the Election Officer; Julie E. Hamos, a Regional Coordinator; Archie J. Cook, one of the complainants; Marvin Saks for William Hogan Jr; Sophia Davis for the Committee to Elect Ron Carey; and Hugh Beins for the Durham Unity Team. The Election Officer submitted a written summary in accordance with Article XI, Section 1.a.(7) of Rules for The IBT International Union Delegate and Officer Election ("Election Rules").

The issue in this appeal is whether or not the surprise appearance of three movie celebrities at a campaign fund raising dinner was an impermissible campaign contribution made in violation of the Election Rules.

The basic facts are not in dispute. On the evening of September 10, 1991 supporters of the R.V. Durham Central Conference Unity Team held a fund raiser in Rosemont, Illinois. The sponsors

of the event were all IBT members. The invitation contained a disclaimer advising that only IBT members and not employers or unions could contribute to the campaign. About 300 attendees paid \$100.00 per ticket to attend; an additional \$1,000.00 was raised during the course of the evening.

About two thirds of the way through the event, three movie stars - Robert DeNiro, Bill Murray and Joe Pesci - put in an appearance that lasted approximately ten to fifteen minutes. While all three actors were introduced only Bill Murray spoke to the audience, doing a short ad lib comedy routine. The appearance of these celebrities was not advertised or publicized prior to their arrival. Their names were not otherwise used to sell tickets to the event. The three appeared after the additional \$1,000.00 had been raised and addresses by candidates had been made. None of the actors praised or endorsed any of the candidates. The actors received no compensation for their brief appearances.


Article X, Section 1(a) of the Election Rules prohibits candidates for IBT International Officer positions from accepting campaign contributions from any employer.¹ A contribution may be anything of value "where the purpose, object or foreseeable effect" is to influence the election. Election Rules, Definition (6) at A-2. I have previously found that "the lending of" a prominent personality's "name to a fund raising solicitation is the

¹ The Election Officer never reached the issue of whether the three actors are employers. Given the result reached here we need not resolve that issue either.

contribution of something of value." In Re: Durham Unity Team and Committee to Elect Ron Carey, 91 - Elec. App. - 183 (SA) (September 17, 1991). However, here the Election Officer found that the actors had not contributed anything of value to the candidate's campaign. Specifically, the actor's names and influence were not used to solicit funds either before, during or after the event in question. Thus, any reliance on Carey Committee case to support a similar result here is misplaced.

It also cannot be said that the "purpose, object or foreseeable effect" of the appearances was to influence the election. As noted, the appearances were fleeting and unannounced. None of the actors engaged in any partisan campaigning and none made any candidate endorsements. Most importantly, the audience was composed of IBT members who had already pledged their support and contributed money to the Durham Unity Team before the actors appeared. That the appearance of the three actors at the event drew a little local press coverage does not change the conclusion reached here. That coverage came after the dinner and after funds had already been raised.

For the foregoing reasons, the decision of the Election Officer is affirmed in all respects.



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

Dated: October 10, 1991