

March 12, 1997

VIA UPS OVERNIGHT

James P. Hoffa  
2593 Hounds Chase  
Troy, MI 48098

Dane Passo  
6811 W. Roosevelt Road  
Berwyn, IL 60402

Ron Carey, General President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, DC 20001

Ron Carey Campaign  
c/o Nathaniel Charny  
Cohen, Weiss & Simon  
330 W. 42nd Street  
New York, NY 10036

Bradley T. Raymond  
Finkel, Whitefield, Selik, Raymond,  
Ferrara & Feldman  
32300 Northwestern Highway, Suite 200  
Farmington Hills, MI 48334

**Re: Election Office Case No. P-1332-LU705-CHI**

Gentle

men:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election* (“*Rules*”) by James P. Hoffa and Dane Passo, a member of Local Union 705. The protesters contend that Dino Tornatore, an alleged agent of the Carey campaign, vandalized a trailer operated by the campaign of James P. Hoffa. According to Mr. Passo, the incident is evidence that the Carey campaign has used “terrorism and intimidation” against Hoffa supporters in the Chicago area.

In response, the Carey campaign conducted an internal investigation into the allegation and denies any dealings with or knowledge of Mr. Tornatore.

This protest was investigated by Regional Coordinator Julie E. Hamos.

According to a police report, on December 5, 1996, Mr. Tornatore was apprehended by City of Oak Park law enforcement officials as he was using spray-paint to vandalize a Hoffa trailer. The trailer was being stored in a private parking lot near Hoffa campaign headquarters. Mr. Tornatore allegedly pointed a long rifle-type weapon at the police, and the police officers

drew their weapons. The officers identified themselves and requested that the defendant drop his weapon. After complying with the request, the officers took Mr. Tornatore into custody. The police report then states: "Subject at the time made a spontaneous statement that 'they paid me 20 bucks to do it.'" Several guns, pellets, two cans of paint, three CO<sub>2</sub> cartridges and several dozen Carey bumper stickers were found in Mr. Tornatore's possession. Mr. Tornatore was charged with aggravated assault and criminal damage to property. Mr. Tornatore is not an IBT member.

Detective Martin Hasler verified the account of events from the police report. He stated that the case had been assigned to misdemeanor court in Maywood, Illinois. Mr. Hasler referred the investigator to Assistant State's Attorney Dawn Welkie, who directed her to Mr. Tornatore's defense counsel. Mr. Tornatore has yet to be tried for the pending charges. The case has been set for discovery, but no trial date has been set. Through counsel, Mr. Tornatore has refused to be interviewed in this matter.

At the Election Officer's direction, the Carey campaign conducted an internal investigation of this incident. The investigation included contacts with Cathy Thomas, the head of Mr. Carey's campaign in Chicago, all Carey activists in Chicago and a review of volunteer records kept by the campaign. Mr. Tornatore was not listed as a volunteer in any of the records. No campaign officials reported knowing or having any dealings with Mr. Tornatore, and no one had any knowledge of the incident.

Article VIII, Section 11(f) of the *Rules* prohibits any retaliation against anyone by the union or its agents for exercising any right guaranteed by the *Rules*. Article VIII, Section 11(a) of the *Rules* states, "All Union members retain the right to participate in campaign activities, including the right to . . . support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions." The Election Officer repeatedly has stated that this right does not extend to. "[A]cts of election-related vandalism . . . violate the *Rules* and have no part in the 'fair, honest, open and informed elections'" under the Election Officer's supervision. See Article I of the *Rules*; Willett, P-863-LU331-PNJ (August 16, 1996) (local union hall defaced with stickers).

The investigation revealed that Mr. Tornatore was apprehended during an act of vandalism. The possession of the Carey stickers raises a possible link to the Carey campaign. However, such evidence is not conclusive and, without more, is not sufficient to find a violation. The Election Officer recently addressed charges of vandalism at Local Union 714 involving a stenciled sample ballot reading, "TEAMSTERS VOTE HOFFA '96," which was spray-painted on the garage door of the local union. Metz, P-1244-LU714-CHI (January 7, 1997). The Hoffa campaign denied possession of the stencil or having any information about the incident. The Election Officer denied the protest, finding insufficient evidence of the identity of the person committing the vandalism or any link to the Hoffa campaign.

The incident cited in the instant protest arose at the conclusion of the election process and had no effect on the outcome of the election. Nonetheless, because of the nature of the incident, the Election Officer transmitted the protest and police report to the U.S. Attorney's Office for any further

action which that office may deem appropriate.

Based upon the foregoing, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.  
Latham & Watkins  
885 Third Avenue, Suite 1000  
New York, NY 10022  
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Julie E. Hamos, Regional Coordinator