

December 18, 1995

**VIA UPS OVERNIGHT**

Anthony J. Lamy III  
38 W. 344 Monterey Drive  
Batavia, IL 60510

Bob Golubovic  
5908 S. Western Avenue  
Clarendon Hills, IL 60514

Ron Carey, General President  
International Brotherhood of Teamsters  
25 Louisiana Ave., N.W.  
Washington, D.C. 20001

John J. Sullivan  
Associate General Counsel  
International Brotherhood of Teamsters  
25 Louisiana Ave., N.W.  
Washington, D.C. 20001

*Teamster Magazine*  
International Brotherhood of Teamsters  
25 Louisiana Ave., N.W.  
Washington, D.C. 20001

Susan Davis  
Cohen, Weiss & Simon  
330 W. 42nd Street  
New York, NY 10036

**Re: Election Office Case No. P-258-IBT-EOH**

Gentlepersons:

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 Anthony J. Lamy, a member of Local Union 710. The protester alleges that General President Ron Carey used the December 1995 issue of *Teamster* magazine, a publication funded by the IBT, to promote the candidacy of Bob Golubovic, a candidate for delegate in Local Union 710, thereby violating the ***Rules***.

The protester complains that Mr. Carey provided unlawful support to Mr. Golubovic by including his picture along with a quote in a two-page article and photo spread concerning the strike waged by the IBT against Ryder, a car-haul company. Mr. Lamy claims that the quoted statement from Mr. Golubovic that he raised money for striking members is misleading.

The protest was investigated by Election Office Staff Attorney Tara Levy. The ***Rules***, at Article VIII, Section 8(a), provide the following prohibition, “No

publication or communication financed, directly or indirectly, by a Union may be used to support or attack any candidate or the candidacy of any person . . .” Section 8(a) also sets forth specific illustrations of improper support of a candidate in a union-financed publication.

There is no dispute that Mr. Golubovic was and is a candidate at the time of the publication and distribution of the December *Teamster* magazine. The Election Officer, therefore, applies the criteria in the **Rules** and considers the tone, content and timing of the publications in question. The Election Officer also considers the context in which a communication is made. Martin, Case No. P-10-IBT-PNJ, et al. (August 18, 1995), aff’d, 95 - Elec. App. - 18 (KC) (October 2, 1995); Ruscigno, Case No. P-067-LU20-EOH (July 19, 1995).

The protester cites a picture and quote from Mr. Golubovic which are included within a two-page spread within the December 1995 *Teamster*. The accompanying article is about the IBT’s strategy for obtaining a national contract with car haulers whose employees it represents. The article notes that when negotiations failed, the IBT decided not to strike all of the car haulers, because that tactic would have ultimately benefited Ryder, the biggest company, by weakening its smaller competitors. Instead, the IBT determined to selectively strike Ryder.

The article contains three pictures of members who are quoted about their participation in and views on the strike. One of the members pictured is Mr. Golubovic. The photograph of Mr. Golubovic is small, and approximately the same size as the picture of one of the other members. The third picture is of a group of members, and is larger than the other two. “Chicago Local 710 Member Bob Golubovic” is quoted as saying, “Drivers like me who weren’t on strike raised money for our brothers who were. It was a good strategy to strike only the company that was most stubborn and held the most power.”

The photograph and quote from Mr. Golubovic are directly related to the matter reported and the article concerns a matter of interest to the membership. See Hoffa, P-202-IBT-EOH (November 17, 1995), aff’d, 95 - Elec. App. - 39 (KC) (November 30, 1995) and cases cited therein. There can be no question that a national strike against the largest car hauler is newsworthy to IBT members. Mr. Golubovic is a car hauler whose interests were therefore directly affected by the strike. His view on the IBT’s tactic is newsworthy, just as is the opinion of any car hauler belonging to the IBT. The message conveyed by the protested quote is Mr. Golubovic’s support for the International’s selective strike strategy, not support for his candidacy for delegate of Local Union 710.

The protester asserts that as quoted, Mr. Golubovic has exaggerated his claim that he raised money for the strikers, although the protester concedes that he is aware of one donation made by Mr. Golubovic. Even if the protester was correct, his claim is insufficient to compel

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the conclusion that Mr. Golubovic's inclusion in this particular article promotes his candidacy for Local Union 710 delegate.

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 North Capitol Street, Suite 855, Washington, D.C. 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 Hamos, Regional Coordinator