March 27, 1996

VIA UPS OVERNIGHT

James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Communications Department
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

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

Ron Carey Slate
35 E Street, N.W., Apt. 10
Washington, DC 20001

John Sullivan, Assoc. Gen. Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

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

Re: Election Office Case No. P-591-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 James P. Hoffa, a candidate for general president.

Mr. Hoffa alleges that General President Ron Carey and the IBT Communications Department manipulated the campaign literature for Mr. Carey published in the March 1996 issue of *Teamster* magazine, after it had been submitted to the Election Officer. Specifically, Mr. Hoffa alleges that following the Carey campaign's submission of its literature to the Election Officer, four pages of campaign literature, published on behalf of the Carey slate, were manipulated so that copy and graphics extended beyond the size specifications designated by the Election Officer.

This protest was investigated by Election Office Staff Member Patrick Plummer.

Campaign literature was published in the March 1996 issue of *Teamster* magazine pursuant to Article VIII, Section 10 of the ***Rules***. On January 10, 1996, the Election Officer

issued "Specifications for Campaign Literature in *The Teamster*" to accredited candidates for International office and those seeking accreditation regarding the publication of accredited campaign literature in the March issue of the magazine. Among the specifications listed by the Election Officer were size designations of the copy for each office. The Election Officer's memorandum stated, in pertinent part:

> The Election Officer has promulgated the following guidelines for candidates to follow in submitting literature to be published in the March 1996 issue of *The Teamster*. By following these guidelines, candidates will expedite production of the magazine and ensure that members receive campaign literature as soon as possible . . .
>
> Literature from General President candidates should measure 7" (width) × 9.375" (height); literature for General Secretary-Treasurer candidates should measure 7" (w) × 6.875" (h); literature from Vice President candidates should measure 7" (w) × 4.625" (h); literature from Trustee candidates should measure 3.375" (w) × 4.625" (h).

These size guidelines issued by the Election Officer interpreted the requirements stated in Article VIII, Section 10(a)(1) of the ***Rules***, which limit candidate literature to one page for general president candidates; three-fourths page for general secretary-treasurer candidates; one-half page for at-large or regional vice president candidates; and one-fourth page for trustee candidates. The ***Rules*** also permit accredited or nominated candidates who are members of a slate to pool their space.

Article VIII, Section 10(c) of the ***Rules*** states, in pertinent part, "[t]he Election Officer and the Union may not regulate or alter the content of any candidate's or slate's material . . . prior to its publication." Mr. Hoffa contends that the Carey campaign changed its material prior to its publication in the magazine.

The Election Officer's investigation reveals that on January 26, 1996, a representative of the design firm retained by the Carey campaign submitted campaign material to the Election Office for candidates on the Carey slate. These candidates chose to pool their space. Thus, each full-page ad delivered to the Election Officer should have measured 7" (width) × 9.375" (height). Instead, type on two pages of the slate's pooled ad extended approximately a quarter of an inch beyond the designated width. A portion of a graphic on a third page of the literature extended almost three quarters of an inch beyond the designated width and a background screen on the fourth page extended approximately 1½ inches beyond the designated width. The remaining eight pages of ads submitted on behalf of the slate conformed to the specifications stated in the Election Officer's January 10 memorandum.[1]

[1]The cited materials which extended beyond the specifications in the guidelines "bled" into the margins, which means that design or copy extended beyond the margins set by the Election Officer.

The materials submitted by the Carey slate to the Election Officer on January 26 are identical in size to the materials reprinted in the March 1996 issue of *Teamster* magazine. Thus, contrary to the protester's assertion, no manipulation of the material occurred after they were received by the Election Officer.

The four pages protested by Mr. Hoffa did not meet the specifications set forth in the guideline when the material was submitted on January 26. The printing of these nonconforming pages was due to an omission by the Election Office, which had previously advised the Carey campaign that "bleeding" into the margins would not be permitted. If the Election Office had caught the errors, the Carey campaign would have been advised that the areas which did not meet the margin specifications and the Election Office would have ordered the proper sizing or "cropping" of the materials.

Article I of the ***Rules*** states that the Election Officer "retains the authority to interpret . . . the *Rules*." The Election Officer finds that the difference between the materials as submitted on January 26 and those which would have met the specifications set forth in the guidelines of the Election Officer are minor. A review of materials in dispute demonstrates that this omission by the Election Officer, while regrettable, did not provide an advantage to the Carey slate or disadvantage Mr. Hoffa or those candidates aligned with him.

Accordingly, since there is no evidence that the materials were altered as alleged by Mr. Hoffa, 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