

ID - 221

INVESTIGATIONS OFFICER

Plaintiff,

v.

WILLIAM BERNARD AND DENNIS HANDS

Defendants.

OPINION OF THE INDEPENDENT  
ADMINISTRATOR

This matter is before me to hear and adjudicate charges filed by Charles M. Carberry, Investigations Officer, against William Bernard and Dennis Hands (sometimes referred to as the "Respondents"). Hearings were conducted, evidence received and arguments heard on March 5, 1990. Post-hearing memoranda were also accepted. Based upon my review of the foregoing, I conclude that the Investigations Officer has not established that there is just cause to find the Respondents culpable as charged. The following Opinion constitutes my Findings of Fact and Conclusions of Law.

**I. BACKGROUND**

**A. The Charges Against Messrs. Bernard and Hands**

On December 27, 1989, charges were brought against Messrs. Bernard and Hands<sup>1</sup> pursuant to the power vested in the

<sup>1</sup> A third charge against Edward Kantzler was originally scheduled to be heard along with the Bernard and Hands charges. That charge, founded upon the same factual basis as Bernard's and Hands', was resolved by agreement between Mr. Kantzler and the Investigations Officer. The agreement, which was placed upon the record at the March 5, 1990 hearing, provided that Mr. Kantzler, presently retired from all positions in both the International Brotherhood of Teamsters and his Local Union, would not seek at any time to be reinstated as an active member of his Local Union  
(continued...)

Investigations Officer by the March 14, 1989, Consent Order, para. F. 12. (A), which had resolved a lawsuit brought by the United States against the International Brotherhood of Teamsters, etc. (hereinafter "IBT"), and its leadership, including General President William McCarthy and other members of the IBT General Executive Board (hereinafter sometimes "GEB").

Messrs. Bernard and Hands are charged with the following:

1. Violating Article II, §2(a) of the International Brotherhood of Teamsters Constitution, by conducting [themselves] in a manner to bring reproach upon the International Brotherhood of Teamsters; and

2. Violating Article XIX, §6(b) of the International Brotherhood of Teamsters Constitution, by disruption of a union meeting, assaulting and provoking others to assault fellow members, and failure to follow the rules of order and similar conduct in a place used to conduct union business;

TO WIT, on or about October 15, 1983, [Messrs. Bernad and Hands], and others, disrupted a meeting of the Teamsters for a Democratic Union, an organization of members of the International Brotherhood of Teamsters, at the Airport Hilton Hotel, in Romulus, Michigan. [Messrs. Bernard and Hands] attempted to and did enter the meeting by force and disrupted the proceedings there. In the course of disrupting the meeting, [they] assaulted a police officer attempting to stop the disruption by [them] and others of that meeting.

These charges implicate the following two provisions of the IBT Constitution:

<sup>1</sup>(...continued)  
or any other Local Union affiliated with the International Brotherhood of Teamsters. It was further agreed that the resolution is not to be taken as an admission by Mr. Kantzler of any wrongdoing.