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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA

4 Plaintiff,

5 v.

88CIV4486DNE

6 INTERNATIONAL BROTHERHOOD
7 OF TEAMSTERS, et al.

8 Defendants.

-----x

9
10 May 9, 1995
11:00 a.m.

11 Before:

12 HON. DAVID N. EDELSTEIN

13 District Judge

14 APPEARANCES

15 CHRISTINE H. CHUNG
16 KAREN B. KONIGSBERG
17 ALLAN N. TAFFET
Attorneys for Plaintiff

18 JUDITH A. SCOTT
Attorney for Defendant IBT

19 AMY GLADSTEIN
Attorney for Election Officer

20 FREDRICK B. LACEY
21 Attorney for IRB

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1 THE COURT: Good morning, ladies and gentlemen.
2 Before we proceed, I would like the following letters to be
3 identified and incorporated in this proceeding by reference.

4 Two letters dated May 3rd, one from the election
5 officer and another from United States Attorney's office.

6 THE CLERK: Letter dated May 3, 1995, signed by
7 Amy Gladstein will be Exhibit 1, letter dated May 3, 1995
8 signed by Christine Chung, will be Plaintiff's Exhibit 1 for
9 identification.

10 (Plaintiff Exhibit 1 marked for identification)

11 THE COURT: The government's application pursuant
12 to paragraph 16 of the March 14th, 1989 consent decree.

13 THE CLERK: This will be marked as Plaintiff's
14 Exhibit 2 for identification.

15 (Plaintiff's Exhibit 2 marked for identification)

16 THE COURT: The order to show cause document is a
17 matter of record.

18 The IBT letter dated May 8th, addressed to
19 Mr. Parkinson.

20 THE CLERK: That will be marked as Defense
21 Exhibit 1 for identification.

22 (Defense Exhibit 1 marked for identification)

23 THE COURT: Declaration of Amy Gladstein as
24 Election Officer's Exhibit 2.

25 (Election Officer's Exhibit 2 marked for

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1 identification)

2 THE COURT: The purpose of today's hearing is to
3 give the parties an opportunity to address the matter before
4 it, namely this Court's May 4th, 1995 order requiring
5 Election Officer Amy Gladstein to show cause why this Court
6 should not enter an order imposing sanctions for her conduct
7 in employing James Reif to work as legal counsel to the
8 Election Officer. The Election Officer's decision to hire
9 Mr. Reif raises serious ethical questions because Mr. Reif
10 is the Election Officer's husband.

11 My knowledge of this matter is based entirely on
12 several documents that were submitted to the Court today,
13 yesterday, and at the end of last week. On May 3rd, 1995,
14 this Court received a letter from the Election Officer and a
15 letter from the Government. The Election Officer's letter
16 informed the Court that James Reif has been assisting the
17 Election Officer "over the last year or more." This letter
18 further stated that Mr. Reif assisted Ms. Gladstein "in
19 drafting of the proposed election rules, in the evaluation
20 of comments on these proposals and in the formulation of the
21 final rules." Similarly, the Government's May 3rd, 1995
22 letter informs the court that the Election Officer intends
23 to continue her employment of her spouse, James Reif, Esq.,
24 as the legal counsel to the Election Officer. The
25 Government's letter also asserts that Mr. Reif's position of

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1 legal counsel is "the second in command at the Election
2 Office."

3 In their respective letters, the Government and
4 the Election Officer disagree about the ethical implications
5 of the Election Officer's hiring of her husband to work in
6 the election office. The Government's letter asserts that
7 this action created at least the appearance of favoritism
8 and may have violated Canon 3 of the Code of Judicial
9 Conduct. This Canon requires judges to "exercise the power
10 of appointment only on the basis of merit, avoiding nepotism
11 and favoritism." Moreover, the ethical implications created
12 by the Code of Judicial Conduct are not merely designed to
13 prevent actual misconduct but rather they are designed to
14 prevent even the appearance of impropriety. The Government
15 further states that Canon 3 applies to the Election Officer
16 because this canon applies to "court-appointed officers
17 performing judicial functions."

18 In contrast, the Election Officer states in her
19 letter of May 3rd, 1995 that the United States Attorney's
20 office "has acknowledged that Mr. Reif's assisting me in the
21 performance of my duties as Election Officer implicates no
22 ethical consideration." This letter states that the United
23 States Attorney's office had expressed some concern that the
24 Election Officer's use of Mr. Reif's service would be
25 unseemly. Remarkably, in this letter, the Election Officer

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1 informs the Court that the United States Attorney's office
2 has asked the Election Officer not to represent its position
3 on this matter and that the Election Officer had attempted
4 to do so to the extent possible.

5 On May 4th, 1995, this Court received the
6 Government's application pursuant to paragraph 16 of the
7 March 14th 1989 consent decree. In this application, the
8 Government further informed the Court regarding Mr. Reif's
9 employment in the Election Office. This application also
10 stated that the Government had been aware that Mr. Reif was
11 Ms. Gladstein's husband. The application explained that,
12 after the Government learned that Mr. Reif was serving as
13 legal counsel to the Election Officer, the Government
14 explained to Ms. Gladstein that the Court should be informed
15 about Mr. Reif's status as her husband. As a result of this
16 application, this Court signed an order to show cause on May
17 4th, 1959, which is the subject of today's hearing.

18 On May 8, 1995, this Court received two
19 additional documents. First, the IBT submitted a response
20 to the May 4, 1995 order to show cause. In this submission,
21 the IBT acknowledges that it was aware that Mr. Reif had
22 worked for Ms. Gladstein and that Mr. Reif is
23 Ms. Gladstein's husband. While stating that "the matters
24 raised by Ms. Gladstein in her letter to the Court and by
25 the Government in its subsequent application of issues are

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1 properly issued to be resolved by this Court," the IBT
2 asserts that it would have no objection if Ms. Gladstein
3 should continue to serve as the court-appointed Election
4 Officer. Second, this Court received Ms. Gladstein's May 8,
5 1995 declaration. In this declaration, Ms. Gladstein
6 apologizes to the Court for what she describes as "a mistake
7 in judgment," and offers to tender her resignation if the
8 Court believes her effectiveness as Election Officer may be
9 impaired. This declaration further explains that Mr. Reif
10 will no longer serve in any position related to this case.

11 The Court also received a letter from the
12 Government today, which states that the question of
13 sanctions is entirely and exclusively for the Court alone to
14 decide.

15 Ms. Gladstein, I will hear from you if you wish
16 to be heard.

17 MS. GLADSTEIN: Your Honor --

18 THE COURT: Keep your voice up, please.

19 MS. GLADSTEIN: I have tried to, in the
20 declaration that I submitted yesterday, give you the
21 explanation that was requested in the order to show cause.

22 THE COURT: Please keep your voice up. I believe
23 it should carry far back to the audience.

24 MS. GLADSTEIN: As I said in my declaration, I
25 regret the serious error in judgment I made in not informing

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1 your Honor with respect to the use of my spouse in any
2 capacity with respect to my work as Election Officer. I did
3 not mean to be disrespectful to this Court in any way. I
4 did not want to in any way and do not want to compromise the
5 fairness and integrity of the election process, which is my
6 paramount concern, and I know the Court's paramount concern.

7 I am more than willing to answer any further
8 questions that your Honor has of me.

9 THE COURT: Anything further?

10 MS. GLADSTEIN: No, your Honor.

11 THE COURT: Ms. Scott.

12 MS. SCOTT: We have nothing to add at this time.
13 We would obviously abide by whatever the Court determines is
14 appropriate in this matter.

15 THE COURT: Ms. Chung?

16 MS. CHUNG: Judge, as we appear today in court in
17 response to the order to show cause --

18 THE COURT: Please keep your voice up.

19 MS. CHUNG: -- Ms. Gladstein has admitted she
20 should have disclosed the fact of her relationship to her
21 husband sooner, and also admitted that her husband is not an
22 appropriate legal counsel, and she stands here today willing
23 to continue to serve if the Court should determine that the
24 Court has continued confidence in her ability to perform her
25 duties under the consent decree. If she did continue to

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1 serve, she is willing to appoint appropriate outside counsel
2 to serve as counsel to the Election Office.

3 The parties are all agreed, your Honor, and the
4 Election Officer agrees, that if the Court does not have
5 continued faith in the Election Officer, the appropriate
6 outcome is for the Court to dismiss the Election Officer,
7 and this determination must be made in the Court's sole
8 discretion.

9 In making its submission today, the Government
10 was of the view that the Court is entitled to ask the
11 Government what does the Government think of its continued
12 faith in the Election Officer.

13 In the interests of informing the Court as to the
14 Government's view of that matter we have considered
15 carefully the course of conduct of the Election Officer over
16 the past nearly two years that she had served since her
17 appointment by your Honor.

18 Two things weighed heavily in the Government's
19 consideration. One is that Ms. Gladstein did not intend to
20 deceive the Court. There were numerous conversations
21 between the Government and Ms. Gladstein in the course of
22 events that have been described in the record that your
23 Honor has made today. During the course of those
24 conversations, I can say honestly that the Government
25 believed that Ms. Gladstein was sincere in her belief that

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1 what she was doing --

2 THE COURT: Does that really deal with the issue,
3 sincerity? Is that the question to be resolved?

4 MS. CHUNG: This is only offered --

5 THE COURT: And when you say you "truly believe,"
6 are there matters you don't truly believe?

7 MS. CHUNG: No, your Honor. I would only
8 represent truth to the Court. That is certainly the case.
9 And I don't mean to suggest this is necessary relevant. If
10 your Honor wishes me to stop now, I will stop. But in the
11 interest of telling the Court what the Government's thinking
12 is on this matter, this is what our understanding is, and it
13 has evolved over the past week. Many things have happened
14 in the past week, and we think the Court is entitled know
15 what we think at this point in time.

16 The second thing is, there has been an
17 acknowledgement of the error in Ms. Gladstein's view, and
18 certainly that weighs heavily in the government's
19 consideration. We are not saying there wasn't a lapse in
20 judgment here, as Ms. Gladstein has said. That is --

21 THE COURT: Not just a lapse a judgment; a
22 serious flaw --

23 MS. CHUNG: Judge, the Government --

24 THE COURT: -- in conduct, and the Government is
25 not entirely free of culpability.

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1 MS. CHUNG: I agree, Judge.

2 We brought the matter to the Court's attention
3 when it became clear to us that this was a problem. We
4 urged Ms. Gladstein to come to the Court. She did so. The
5 seriousness with which the Government took this matter is in
6 the record, particularly in the May 3rd letter to the Court,
7 and also in the Government's application. We certainly all
8 believed this should be called to the Court's attention, and
9 is a matter, we still agree, for the Court's determination.

10 Let me speak to a different issue, which is Ms.
11 Gladstein's performance over the past nearly two years. I
12 think everybody is taking it as a given that her performance
13 of her election-related duties has been excellent. There
14 has been much that has been accomplished. There is a
15 timetable that the Court has set that Ms. Gladstein has met.
16 Certainly those accomplishments are there.

17 That is not to say that that predetermines what
18 the Court's determination should be as to the lapse in
19 judgment. It is a separate issue, but certainly, the
20 parties are in agreement and I think they are willing to
21 represent here today, as to Ms. Gladstein's performance of
22 her duties to date, she has demonstrated she is capable of
23 doing the job at her best. The Court has seen what is
24 possibly the worst side of her, but if the Court continues
25 to have confidence in her abilities, the Government would

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1 have no objection, certainly, in her continuing to serve.
2 We could work with her starting tomorrow. The union shares
3 the view, and Judge Lacey, here from the Independent Review
4 Board, also shares the view with respect to what I last
5 said, your Honor.

6 THE COURT: My problem at the moment is not how
7 much confidence I can have in Ms. Gladstein but how much
8 confidence I can have in you.

9 MS. CHUNG: I agree that should be a
10 consideration for the Court.

11 THE COURT: And I am reminded how apparently
12 diligent you were when I thought I would like to appoint
13 Judge Conboy. I remember how diligent you were and how
14 insistent you were that we deal with all of the edges, which
15 we did. Now, comparing your conduct with respect to the
16 appointment of Judge Conboy, I find it rather difficult to
17 understand your laxity in this regard, keeping this Court in
18 a twilight zone, not being fully informed about some of the
19 facts covering a period of approximately one whole year and
20 never even thinking to bring this matter to the attention of
21 the Court, which has the sole responsibility for making an
22 appointment. I find that difficult to understand. And
23 maybe it is because of your own implication in this matter
24 for a period of a long time that you are so complacent at
25 this point.

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1 MS. CHUNG: Judge, I am perfectly willing to
2 accept responsibility for not having to brought to the
3 Court's attention what the government knew prior to the time
4 it did.

5 THE COURT: Didn't you think it was necessary to
6 inform the Court about this relationship about what has
7 happened?

8 MS. CHUNG: Certainly.

9 THE COURT: Why didn't you do it?

10 MS. CHUNG: That has been the record the
11 Government created. What happened, your Honor, it is
12 certainly true the Government was aware Mr. Reif was
13 Ms. Gladstein's husband. What the Government did not know
14 was there was going to be an appointment of Mr. Reif to
15 legal counsel position. We grant it is only a difference in
16 degree, but it was, in fact, the history what happened. It
17 was the fact of the appointment that brought to the fore all
18 the ethical implications and the appearance of impropriety
19 considerations, and it was at that point in time, and
20 unfortunately not sooner than that, that the Government
21 realized this is a matter that should be brought to the
22 Court's attention. And at that time we promptly brought it
23 to Ms. Gladstein's attention and the Court's attention.

24 I apologize it wasn't raised for the Court
25 sooner. I agree with your Honor we should be absolutely

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1 consistent with the application of the appearance principals
2 to all court appointments, and that was what we tried to do,
3 and that was certainly the basis of our objection to Judge
4 Starr. But what I can offer to the court at this time is an
5 acknowledgement it should have been raised to the Court's
6 attention sooner. We will certainly be vigilant in bringing
7 these issues to the Court's attention at the soonest
8 possible time.

9 THE COURT: Judge Lacey?

10 JUDGE LACEY: Good morning, your Honor.

11 I spoke to your Honor's chambers this morning and
12 your chambers advised me that you wished me to appear here
13 today and I am pleased to do so. I regret the necessity for
14 it, however.

15 Ms. Gladstein has appeared before the Independent
16 Review Board on two occasions and has reported to us
17 extensively on the work that she has done. I can speak for
18 my colleagues on the Independent Review Board that we have
19 been tremendously impressed by what she has done and what
20 she contemplates doing. And what makes it even more
21 unfortunate, the situation that confronts your Honor this
22 morning, is that there are right now very delicately poised
23 issues that really could determine the success or failure of
24 the election that is upcoming, indeed even now at the local
25 level, but upcoming at the national level.

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1 I think that the issue that, obviously, your
2 Honor has to deal with arises because Ms. Gladstein was not
3 exposed, as some of us have been since 1989, to what can go
4 on out there when anyone decides they want to pick at
5 something your Honor has done or that I have done, and they
6 will go to extremes to find some way of attempting to
7 undermine our achievements. I can say they haven't been
8 successful in their efforts to do that with respect to what
9 your Honor has done. Modesty prohibits me from commenting
10 on whether they may have been successful in achieving or not
11 achieving with respect to what I did.

12 I think a certain amount of compassion is
13 appropriate here. It is up to your Honor to decide, in
14 balancing this, whether the overall good is better served by
15 imposition of some sanctions that are short of causing
16 Ms. Gladstein to step down. A lot of time has gone in. I
17 gather from her presentations to us this amounts to hundreds
18 of hours. I know that she has been in touch with my office
19 on a frequent basis, occasionally with me but more
20 frequently with my recently appointed partner, Mr. Alderoty.
21 We have given her the benefit of all of our experience as we
22 worked on the election process the last time.

23 I know as well she has been in touch with Michael
24 Holland, because of conversations I have had with him as we
25 discussed some of the difficulties we were presented with

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1 over the whole election program, and we discussed them.
2 Ms. Gladstein's name would come up and Michael would tell me
3 how she had been dealing with those.

4 Out of all this I became very comfortable with
5 the feeling that this election process now was in good hands
6 and it was going to be served as well by Ms. Gladstein as it
7 had been by Mr. Holland.

8 I think there is another process at work here and
9 I really can't resolve it because I am not of the generation
10 that could, but husbands and wives now are practicing law
11 together. I understand it was known by the union and by the
12 Government that Ms. Gladstein was using her law firm as
13 legal counsel. Mr. Holland did the same thing.

14 THE COURT: Yes.

15 JUDGE LACEY: The difference is it wasn't a
16 husband and wife.

17 THE COURT: The nexus.

18 JUDGE LACEY: The sensitivity that I would have
19 had or your Honor would have had based upon what we have
20 gone through since 1989 would have served Ms. Gladstein well
21 if she had been educated as we have been over this period.

22 There is another issue here I will just touch
23 upon, and that is this is a very delicate issue, and I won't
24 elaborate on it unless your Honor wants me to.

25 THE COURT: Let's talk a little bit about the

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1 message we have to be worried about, the one that we send
2 out. What have we said in the past about corruption and
3 nepotism? What diligence did we apply in pursuing the
4 screening process for Judge Conboy and Judge Starr? Is this
5 going to be marked at some future date as a coverup between
6 the Government and IBT? Is this just a minor slip of the
7 tongue?

8 Wouldn't it have been just as normal and obvious
9 for Ms. Gladstein to have turned to the Court or to you or
10 to anybody else and say, "This is so obvious, do you think I
11 should proceed without informing the Judge?" That's the
12 thing that bothers me. We are not dealing with an
13 unsophisticated ingenue; we are dealing with a sophisticated
14 lawyer, a professional. And, to me, my first reaction was
15 this was purely a grab for money, influence and power.

16 Just think of it. A whole year has gone by.
17 Only at the moment when she indicated an intention to
18 appoint her husband this matter came to my attention. What
19 kind of a position am I in? Can I just shrug my shoulders
20 and say, this is just a minor lapse? It is not, and no
21 matter how one views it, it is a serious problem by a
22 professional lawyer. That's the real issue as I see it.

23 Yes, compassion certainly should always play a
24 part. But how is that compassion going to measure up to
25 future conduct and possibly further lapses in judgment about

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1 matters that were clear and obvious that should have been
2 called to the attention of the Court? And I don't condone
3 the Government for one single solitary moment, not one
4 single solitary moment. I think they had an obligation and
5 that they didn't obey the requests and demands of
6 information to the Court.

7 I have to worry about the future now. Why have
8 we all shrugged our shoulders about this? Let me refresh
9 your recollection, although I am sure it doesn't need to be.
10 The long process and the interviews and the interrogations
11 and the time you had to go to Washington to answer an
12 inquiry, and the scrutiny of your records as a judge before
13 you were appointed.

14 JUDGE LACEY: I remember your Honor calling me
15 one day and telling me that --

16 THE COURT: You were cross-examined.

17 JUDGE LACEY: -- this opportunity you had offered
18 me and which I had initially declined had now resulted, you
19 told me, in a hearing being set, and I said, now you have me
20 involved in a hearing. Ultimately, we had to present you
21 with all the opinions I had written in connection with labor
22 matters, and I think the score was about ten to ten
23 management-labor. You wanted an opinion from me in which I
24 had decided against the International, and I made that
25 opinion available to you. The reason the International had

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1 lost is because the local that sued the International had
2 won. And ultimately, as I recall it, while you asked that I
3 go to Washington, when I went down there, there were only
4 two people that had decided they wanted to quiz me with a
5 few friendly questions. But I recall the process and it was
6 tedious.

7 THE COURT: You should certainly recall it. It
8 was not a pleasant period when they asked to scrutinize your
9 decisions in court, and they did. It is my memory fugitive
10 when I seem to recollect that you had to go to Washington to
11 be interviewed as if you were a prisoner of war?

12 JUDGE LACEY: I don't think I considered myself a
13 prisoner of war.

14 THE COURT: They certainly treated you as one.

15 JUDGE LACEY: At this point, acting under your
16 aegis, I was a prince rather than a prisoner. But, more
17 seriously, I recall the process well, and as I said, if
18 Ms. Gladstein had been exposed to what you and I have been
19 exposed over the last six years, she would have been more
20 sensitive.

21 THE COURT: I want the record to be clear, there
22 is nothing in this hearing which in any way suggests that
23 Ms. Gladstein is not capable. I certainly know nothing
24 about Mr. Reif, whose credentials have been brought to my
25 attention by Ms. Gladstein. Perhaps they're correct,

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1 perhaps they're not. But I don't think that is the issue at
2 all. It makes no difference what his qualifications are,
3 because even if he were the saint in the law profession that
4 would have nothing to do with the relevancy of the problem
5 for me.

6 Is there anything else you want to say?

7 JUDGE LACEY: Thank you, your Honor.

8 THE COURT: After reading all of the documents
9 that have been submitted to this Court regarding this
10 matter, and after listening to all parties, the Court finds
11 that the Election Officer's appointment of James Reif to act
12 as legal counsel to the Election Office was egregious
13 misconduct and deplorably flawed judgment.

14 The Election Officer's conduct demonstrates that
15 she completely failed to realize that she had an ethical
16 obligation to avoid nepotism and the appearance of nepotism.
17 Regardless of whether Mr. Reif is qualified to serve as
18 legal counsel to the Election Officer, the fact remains that
19 the Election Officer's appointment of her husband to a
20 position in the Election Office created the appearance of
21 impropriety. Moreover, this appearance of impropriety is
22 freighted by the fact that Mr. Reif was appointed to the
23 second highest position in the Election Office.

24 While any court-appointed officer should realize
25 that it is very serious misconduct to create the appearance

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1 of nepotism, it is simply incredible that the Election
2 Officer in this particular case has failed to appreciate
3 this fact. The Election Officer was hired to ensure free,
4 fair, democratic elections in the IBT. Because the IBT has
5 long been infested by the forces of organized crime, the
6 union has suffered from rampant corruption, and nepotism is
7 one of the forms of corruption that has thrived in this
8 union. That can be underscored as being egregious nepotism.
9 Thus, while it is generally important that any
10 court-appointed officer avoid the appearance of nepotism, it
11 is absolutely essential that the Election Officer who
12 oversees the IBT elections be particularly vigilant in
13 avoiding the appearance of nepotism. Unfortunately, far
14 from demonstrating extreme vigilance, Ms. Gladstein's
15 decision to appoint her husband to work as the second in
16 command at the Election Office was indiscrete in the
17 extreme.

18 I am simply unable to comprehend how the Election
19 Officer could fail to perceive the appointment of Mr. Reif
20 might create a conflict of interest, particularly in light
21 of the lengthy and difficult process of selecting an
22 Election Appeals Master. As the Election Officer observed,
23 this Court took great pains to insure that the Election
24 Appeals Master had absolutely no conflict of interest,
25 perceived or actual. The Election Officer must be aware

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1 that Judge Kenneth Starr withdrew from consideration for the
2 position of Election Appeals Master because there was the
3 possibility of a minimal conflict of interest. Yet, despite
4 the fact that the Election Officer observed this Court's
5 scrutiny of a candidate with Judge Starr's towering
6 reputation, the Election Officer did not inform this Court
7 about her husband's appointment until the Government
8 insisted that she do so.

9 By appointing her husband to be legal counsel,
10 the Election Officer has not only created the appearance of
11 impropriety but she has also demonstrated very poor
12 judgment. This Court is responsible for overseeing all
13 officers appointed pursuant to the consent decree, and this
14 Court cannot and will not ignore such a serious error in
15 judgment. Because insuring the fair, honest, open, and
16 democratic elections in the IBT, one can no longer doubt
17 that this is a Herculean task, and it can only be undertaken
18 by someone who has demonstrated sound judgment. In the
19 instant case, this Court believes that Ms. Gladstein lacks
20 the judgment that the position of Election Officer demands.
21 She failed to appreciate that appointing her husband to a
22 position in the Election Office might create the appearance
23 of impropriety, despite the IBT's infamy for nepotism.

24 As all parties concede, the Election Officer
25 serves at the pleasure of the Court. In this Court's

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1 judgment, the Election Officer must be free from even the
2 appearance of impropriety and must have the confidence of
3 the Court. Yet, Ms. Gladstein, your action in appointing
4 your husband as legal counsel created a very powerful
5 appearance of impropriety. Moreover, your failure to
6 appreciate that this action might appear improper and your
7 failure to inform the Court about Mr. Reif's status as your
8 husband have cost you the confidence of this Court. I am
9 sorry to say that you have failed your obligation as the
10 Election Officer, and you have failed this Court.

11 As a result, this Court finds that your actions
12 in the instant case warrant a severe sanction. This Court
13 orders that you are hereby terminated from your position as
14 an Election Officer.

15 So ordered.

16 This has been a very unpleasant morning. I hope
17 we have no future lapses from the Government.

18 MS. CHUNG: No, your Honor, there will be none.

19 THE COURT: The next thing I would like is to
20 have you submit names within a week for the appointment of
21 an Election Officer.

22 MS. CHUNG: Certainly.

23 ooo

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25