

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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December 5, 1991

**VIA UPS OVERNIGHT**

Brendan F. Kaiser, Secretary-Treasurer  
IBT Local Union 579  
2214 Center Avenue  
Janesville, WI 53546

The Janesville Gazette  
One South Parker Drive  
Janesville, WI 53547-5001

Ron Carey  
Bill Urman  
c/o Richard Gilberg, Esq.  
Cohen, Weiss & Simon  
330 West 42nd Street  
New York, NY 10036

Re: Election Office Case No. P-1134-LU579-NCE

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Brendan F. Kaiser, Secretary-Treasurer of Janesville, Wisconsin IBT Local 579. He complains about the coverage of the ongoing IBT International Union election campaign in The Janesville Gazette, the local newspaper of general circulation in the Janesville area. In particular, Mr. Kaiser alleges that the coverage in the Gazette is biased in favor of Ron Carey and that opposing views are not published.

Mr. Kaiser has submitted copies of the October 28, 1991 edition of The Janesville Gazette which contains two articles about the IBT; one about the IBT International Union election and the other about an effort by IBT Local 579 to organize the workers at a local facility. The article about the IBT election quotes extensively from Bill Urman, a candidate for International Vice-President on the Ron Carey Slate, who was in Janesville on a campaign tour.

Brendan F. Kaiser  
December 5, 1991  
Page 2

Mr. Kaiser has submitted several letters to the editor of The Janesville Gazette for inclusion in the paper, some of which were printed and others which were rejected. In particular, one of the letters submitted by Mr. Kaiser was rejected because of the Gazette's policy of printing only one letter from any one person per month; that month the Gazette had already printed the other letter which Mr. Kaiser had submitted. Another letter to the editor was rejected by the Gazette because it was too long and too personal.

Mr. Kaiser contends that the Gazette is an employer and that the favorable publicity given to the Ron Carey Slate, coupled with its failure to print all the letters he submitted, constitutes an improper employer contribution to Mr. Carey's campaign in violation of the *Rules*. There has been no allegation that the Gazette or its editorial policy is controlled by the Carey campaign, and the Election Office's investigation revealed no evidence of such control.

The Election Officer has previously decided that favorable coverage provided an International Union officer candidate or candidate slate in an independent newspaper of general circulation is not an improper campaign contribution. Election Office Case No. P-971-IBT. In that decision, the Election Officer stated:

The definition of the term "campaign contribution" in the *Rules* is intended to be broad to further the purpose of the Consent Order and the *Rules*. However, the Election Officer does not believe that the term campaign contribution should be construed to include newspaper articles published by entities which are not owned by or whose editorial policies are not controlled by candidates or committees acting on behalf of candidates.

The article about which Mr. Kaiser objects was newsworthy and printed by an entity not controlled by any candidate or campaign. The article was not printed at the direction of any candidate or campaign.

Similarly, the editorial policy concerning when and whether to print letters to the editor is not controlled by any candidate or campaign. The policy is not discriminatory and the Election Officer's investigation found no disparate application of that policy.

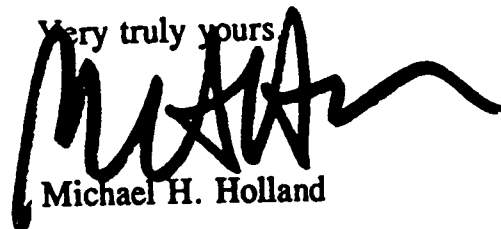
Brendan F. Kaiser  
December 5, 1991  
Page 3

Indeed, one of Mr. Kaiser's letters to the editor was published in the paper, permitting Mr. Kaiser's views to be aired.

For these reasons, the instant protest is DENIED.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their 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 Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

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Barbara Z. Quindel, Regional Coordinator (For Information Only)

R. V. Durham  
c/o Hugh J. Beins, Esquire

Walter Shea  
c/o Robert Baptiste, Esquire

IN RE:

BRENDAN F. KAISER

and

THE JANESVILLE GAZETTE

and

COMMITTEE TO ELECT  
RON CAREY

91 - Elec. App. - 246 (SA)

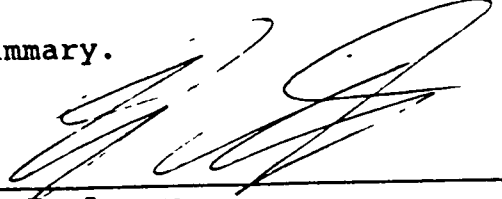
DECISION OF THE  
INDEPENDENT ADMINISTRATOR

This matter arises as an appeal from the Election Officer's decision in Case No. P-1134-LU579-NCE. As always, the Notice of Hearing scheduling this matter indicated that:

It is not necessary that you and the other parties be present in Newark, as a telephone link can be made with all parties. If you wish to be heard via telephone link, please furnish me with your telephone number prior to the hearing. If any party desires to make a written submission prior to the hearing, such submission should be served on all other parties.

No party, with the exception of the Election Officer, appeared at the hearing or contacted our office with a phone number where they could be reached. In addition, with the exception of the submission of the Election Officer's Summary, in accordance with Article XI, Section 1.a.(7) of the Rules For the IBT International Union Delegate and Officer Election (the "Election Rules"), no party made a written submission.

After having reviewed the Election Officer's Summary, his underlying decision, and the other materials in the file, including some earlier correspondence from the Complainant to the Election Officer, I affirm the Election Officer's decision for the reasons expressed in his decision and in his Summary.



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Frederick B. Lacey  
Independent Administrator  
By: Stuart Alderoty, Designee

Dated: December 13, 1991