



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

December 17, 1990

VIA UPS OVERNIGHT

J.C. Thomas
5629 Elmore Road
Bartlett, TN 38134

Bill Owens
Secretary-Treasurer
Local Union 667
796 East Brooks Avenue
Memphis, Tennessee 38116

Re: Election Office Case No. P-134-LU667-SOU

Gentlemen:

A pre-election protest was filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protestor, J.C. Thomas, alleges that the Local Union newsletter, called "News and Views" was used to support the candidacy of members of the Local, namely the Local Union's principal officers and/or business agents. Specifically, the protest alleges that the Local Union's newspaper printed photographs of the entire Executive Board of the Local Union on the front page of the December 1, 1990 edition, apparently alleging a violation of Article VIII, §7(a)(1)(a) and/or (c) of the *Rules*.

The Election Officer's investigation determined that the front page of the "News and Views" extended "Seasons Greetings" from the Executive Board, Staff Representatives, Office Staff, Editorial Staff and Building Corporation of Local 667 and contained the pictures of all of the persons comprising the above named groups. The members and other individuals pictured were also identified at the bottom of the page in small print by name.

The Election Officer's investigation also determined however that exact same front page, the exact same format of pictures and

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names, appeared on the first page of the December 1988 edition of "News and Views". Further, the December 1987 issue contained, also on the front page, the pictures and names of all Executive Board members, officers and staff, again under the rubric of "Seasons Greetings", as was also true of the December 1989 issue.

None of the "Seasons Greetings" front pages, including the front page of the December 1990 issue, contained any text in which the accomplishments or qualities of any of the members or persons therein pictured were heralded; the only text was the text extending seasons greetings and the text listing the names. The pictures printed in the December 1988 and December 1990 editions are identical in size and format; the pictures in the December 1989 issue were also similar in size and format to those of the December 1990 issue. Only in the December 1987 issue were the pictures somewhat different in format, displaying a larger portion of the individual's body.

Therefore, the December 1990 front page of "News and Views" does not contain larger or more attractive pictures than had been previously used, nor did that page contain features or photographs heralding the accomplishments or qualities of any candidates. Based upon the foregoing, the protest is DENIED.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours


Michael H. Holland

cc: Mr. Frederick B. Lacey
Larry Daves, Regional Coordinator