



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 18, 1991

VIA UPS OVERNIGHT

Archie L Long
1930 Ft Worth St
Grand Prairie, TX 75050

T C Stone
Secretary-Treasurer
IBT Local Union 745
1007 Jonelle Street
Dallas, TX 75217

Re: Election Office Case No. P-244-LU745-SOU

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest brought by the Complainant, Archie Long, alleges that a piece of literature distributed by the "T C Stone" Slate violates the *Rules*.

The issue in this case concerns campaign literature The fact that the literature is alleged to be false, misleading or even defamatory does not mean that its circulation violates the *Rules* See *National Association of Letter Carriers v Austin*, 418 U S 264 (1974) (uninhibited and robust debate encouraged in labor matters, even allegedly defamatory statements permitted) The policy of encouraging robust and uninhibited debate in the selection of delegates and International Officers of the IBT is reflected in the *Rules*, Article VIII, § 6, which prohibits the censorship of campaign literature

The piece of literature is xeroxed on a piece of paper which is 8" x 14". It instructs voters how to fill in the arrow that points to the T C Stone Slate It then lists the members of the slate and has a completed arrow pointing to the designation of the slate

The protest focuses on the completed arrow and on the number of names listed for the slate The completed arrow is an aid to voters to aid them if they vote for the T C Stone Slate There is nothing in the *Rules* which forbids this type of literature

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The names listed as members of the slate consist of the delegates and their alternates. Nothing in the *Rules* prohibits having a number of alternates equal to the number of delegates. All of the individuals listed in the literature have, in fact, been nominated for delegate or alternate delegate. Moreover, the Local has posted nomination results in the required places which distinguish between the individuals who are regular delegates and alternates. Such distinctions will also be made on the ballots that individuals use when they vote.

For all of these reasons, the 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/mca

cc Frederick B. Lacey, Independent Administrator
Larry R. Daves, Regional Coordinator