



OFFICE OF THE ELECTION OFFICER  
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Michael H. Holland  
Election Officer

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January 28, 1991

**VIA UPS OVERNIGHT**

Thomas R. Salinas  
519 Delmar  
San Antonio, TX 78210

Preston D. Ketchum  
President  
IBT Local Union 657  
8214 Roughrider  
San Antonio, TX 78239

Re: Election Office Case No. P-271-LU657-SOU

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In this protest, Mr. Thomas Salinas contends that Local Officers who are candidates for delegate to the 1991 IBT Convention have violated the Rules by mailing campaign literature using the Union's bulk rate permit and return address without including proper disclaimers.

Mr. Salinas also contends that his candidacy and his slate have been defamed by the campaign mailing of the incumbent Local officers.

The investigation shows the following: Local Union President Preston Ketchum has mailed two pieces of literature in support of his slate "The P.K. Team." The literature that has been mailed out has contained a disclaimer<sup>1</sup>, the envelopes in which the literature has been mailed have not had the same disclaimer. The first envelop contained

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<sup>1</sup> The disclaimer reads "The P.K. campaign material printed at no cost to Local 657. Contents herein are solely the opinion of the P.K. candidates."

would not allow him to pay at the bulk mailing rate with that return address. Therefore, Mr. Ketchum paid the full postage rate for that mailing. With the second mailing, Mr. Ketchum personally paid at the bulk mail rate and used the Local Union's return address. As noted earlier, literature inside the envelope in this second mailing contained a disclaimer, although the envelope did not contain a disclaimer.

The Rules provide that "All literature distributed through use of the non-profit organization bulk rate permit shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union." Article VIII, §6(a)(3). The Election Officer concludes that the statement of disclaimer that appeared on the literature inside the envelopes meet the requirements of the Rules, in that the statement of disclaimer clearly disassociates the literature from the Local Union and appears on all copies. The Rules do require the inclusion of disclaimer on the envelope as long as the contents of the envelope contain the requisite information to identify the literature as that containing a personal appeal rather than an official Union endorsement. Thus, the Rules have not been violated and this aspect of the protest is DENIED.

Mr. Salinas also contends that the contents of the first mailing defamed his candidacy in violation of the Rules. He specifically points to the use of the word "traitor" in the following statement:

"These by-laws are what has allowed the Teamsters Union to survive not only the attacks from outside interests, but also traitors attacks from within of groups which claim they are reform groups, but only want to benefit themselves at the expense of the majority of the membership."

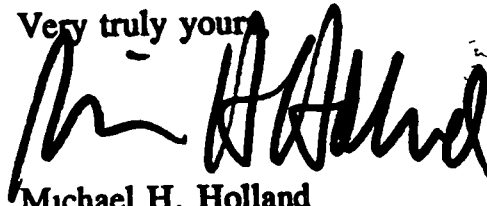
The Election Officer concludes that the foregoing statement is well within the bounds of the kind of vigorous, robust speech that occurs in the political debate during a heated campaign. It usually follows the democratic tradition of allowing free speech in debates among and between constituencies in the political electoral campaign arena, and is therefore not repugnant to the purpose of the Rules. This aspect of 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. 07102-311, 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

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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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is fluid and cursive, with a large initial "M" and "H".

Michael H. Holland

MHH/BJH/sst

cc: Mr. Frederick B Lacey  
Mr. Donald H Williams, Regional Coordinator